

*Willard 1819.*

A

D E F E N C E  
OF THE  
CONSTITUTIONS OF GOVERNMENT  
OF THE  
UNITED STATES OF AMERICA.

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By JOHN ADAMS, LL.D.

MEMBER OF THE ACADEMY OF ARTS AND SCIENCES AT BOSTON;

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V O L. III.

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Some philosophers have been foolish enough to imagine, that improvements might be made in the system of the universe, by a different arrangement of the orbs of heaven; and politicians, equally ignorant, and equally presumptuous, may easily be led to suppose, that the happiness of our world would be promoted by a different tendency of the human mind.

JOHNSON'S ADVENTURER, N<sup>o</sup> 45.

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Constitutions of Government of the UNITED STATES of  
A M E R I C A.

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P I S T O I A.

My dear Sir,

October 4, 1787.

**T**HE Roman republic, according to its custom \* of placing judges in all places under its dominion, sent to Pistoia a pretor, who had the whole jurisdiction, civil and criminal, over the city; reserving always, according to the tenor of the Roman laws, the obedience to the magistrates of that commonwealth. This jurisdiction, acquired by the Roman republic over the city of Pistoia, passed to the Roman emperors, and from these into the power of the Goths and the Lombards, and successively in those who, from time to time, were the lords (signore) of Tuscany; and has continued, down to our times, under the same tie and obligation of dependence. It is very true, that the province being liberated from the government of foreign nations, and its governors (dominatori) having permitted the people to make laws

\* Memorie Storiche della città di Pistoia, raccolte da Jacopo Maria Fioravanti, nobile Patrizio Pistoiese. Edit. Lucca. 1758, cap. ii. p. 15.

and create magistrates, the authority became divided: hence, when the concession was made to the Pistoians to create magistrates, take the name of consuls, and form the general council of the people, they were permitted to expedite, by the authority of these, many things in their city; reserving always, nevertheless, the sovereignty to their lords. This concession of governing themselves by their own laws, obtained by the provinces of Italy, was the mere liberality of Charlemain \*, at a time when, having delivered them entirely from the government of the barbarians, he placed them under the command of one of his royal ministers, with the title of marquis, or of duke. Under this system of government was comprehended Tuscany, which had its dukes and marquisses, who governed it. But as it was the custom of Charlemain, and, long after him, of his successors, to send to the cities of this province two subaltern ministers, one with the name of castaldo, or governor, and the other with that of count, which is as much as to say, judge of the city, who held his courts of justice either alone, or in conjunction with the castaldo, and very often with the bishop of the place, as the bishops were assessors and officers, deputed as vassals of the king or the emperor; so the city of Pistoia was a long time ruled and governed by this order of castaldi and counts. Otto the Second, having ascended the Imperial throne, and having conducted, with little good fortune, the affairs of Italy, the people began to think it lawful to lose their respect, and to fail in their veneration, for the imperial commands, and the cities advancing in their inclination for liberty, many of them began to

\* Sigonius, de Regno Italix, lib. iv.

re-assume the title of consuls, which had been extinct under the Longobards; and if these had somewhat of a greater authority, they were not, nevertheless, exempt from the jurisdiction of the dukes and marquisses, or from the sovereignty of the kings and emperors.

A greater spirit of independence arising in the minds of the Italians, in the time of those great discords between the empire and the church, diminished to such a degree the esteem of the people towards the emperors, solemnly excommunicated by the pontiffs, that a great part of the cities of Italy, estranging themselves by little and little from their obedience, began to conduct themselves like independent states, in entire freedom. This happened in the time of Henry the Fourth and the Fifth; and the disobedience increased still more, when all the Tedefque forces were engaged to sustain, in Germany, the competition between Lothario the Second and Conrad the Swede for the throne of Cæsar. Then the cities, taking advantage of the distance of those who had power to bridle their arrogance, began to be insolent\*: then they began to lift up their heads, and to do whatever seemed good in their own eyes: then they thought it lawful to appropriate to themselves many of the regalia belonging to their sovereign; and believing themselves able to shake off the yoke of superiority, they attended to nothing but to their present advantage, and to dilate the limits of their usurped liberty. But with all this, they were never able to extinguish the quality of their subjection, nor the obligation of dependence; for Frederick the First passed over to establish and re-

\* *His diebus, propter absentiam regis, Italiae urbibus, in insolentiam decedentibus. Ottone Frisingense.*



*Pistoia.*

gulate, in the convention of Constance, their privileges, and the regalia which were then usurped; and the people were held to an annual census\*, and obliged to perform certain royal and personal services.

In the twelfth century, the cities, after the similitude of ancient Rome, all re-assumed the title of consuls, and began, some sooner and others later, to make their proper statutes, and establish their popular government. Though it is not possible to ascertain the precise time when the institution of consuls was first made in Pistoia, they are, nevertheless, found named in the statutes of 1107. 1107; and of these there were two, called the Consul of the Soldiers, and the Consul of Justice, taken from the nobility of the place, and were called the Greater Consuls, to distinguish them from the plebeian consuls of the second class, called the Lesser Consuls, or Consuls of the Merchants, taken from the common people. Their authority, and sometimes their numbers, were various; but there ought ever to be one more of the popular than of the greater consuls†. The election of these magistrates was made every year by the people, with the intervention of all the governors (rettori) of the arts of the city; and they governed, with the council of an hundred of the better sort of citizens, administering justice both to the laity and the ecclesiastics. This council, besides its extraordinary assemblies, was obliged to meet in the months of March, May, July, and September, after a previous intimation, given by the consuls, of the business to be done; and for the result of this assembly all determinations,

\* Sigonius, lib. xiii. de Regno Italiae.

† Unus plus de popularibus quam de majoribus.

upon things of most importance, must wait; and all laws, resolutions, and deliberations, first proposed and digested in the smaller council, by the few, must be here confirmed or rejected.

Here again is a constitution of all authority in one assembly. The council of an hundred was sovereign. The consuls, though they had the command of the army, and the judgment of causes, could do nothing in administration by themselves, or with advice of their little council. They had no negative upon any deliberation or resolution of the great council: and, on the other hand, the people had no negative, not even the poor protection of a tribunitian veto. Accordingly we read, in the next paragraph, that the power of the people having so greatly increased, by means of their usurped liberty, so many factions had arisen, and separated into so numerous divisions, and all had become so much the more intractable and seditious, and the stimulus of power was become the greater, that the emperor Frederick the First, in 1155, after having reduced to his obedience Milan, and received the oaths of fidelity from all the other cities of Italy, and, among the rest, from all those of Tuscany, judged it necessary, to obviate the continual tumults which arose, to institute the office and dignity of podesta, and to send to the government of those cities gentlemen, from among the foreign nobility, with that title. This commission of podesta operated to the damage and diminution of the influence of the consuls, because in this magistrate was vested the whole judicial power, both in private and civil causes, and in those which were public and criminal; and therefore the podesta was the ordinary judge in the

1155.



city\*, with full power, dominion, and authority to govern, command, and chastise, granted to him by the emperor, to whom, as their legitimate sovereign, the people had recourse in cases of appeal, and in all denials of justice.

From its subjection to this minister, in the earliest times of the institution of his office, the city of Pistoia was still more irritated and oppressed; and, as the nomination was reserved directly to the sovereign, the officer was changed as often as the times seemed to him to require. The rigour of this institution was softened by length of time and continual discords and dissensions, till the city of Pistoia acquired the right of the election of this minister, who obliged himself, in many things, to follow the various ordinances and resolutions of the consuls. This election of the podesta was made by the Pistoians in virtue of a municipal law consented to by the sovereign; the person elected stood in office only six months, and was chosen by the council of the people, as it was called, that is, the council of an hundred, with the intervention of all the rectors of the chapels, and all the rectors of the arts. The podesta was bound to conduct with him, judges skilful in the laws, notaries, two companies of militia, horses, and servants, and other followers; and in all things were these officers obliged to render their accounts. It was customary to confer this dignity of podesta upon the primary citizens. Neither the consuls nor podesta, jointly or severally, had authority to impose taxes, consent to war, peace, truce, or alliance, without the council of the people, which

\* Con tutta la balia, impero, e potesta di governare, comandare, e castigare. Fioravanti, p. 18.

consisted

consisted of an hundred citizens, elected in the proportion of five and twenty for each of the four gates or quarters of the city, with the intervention of all the rectors of the chapels, and rectors of the arts: or, in other words, the podesta, consuls, council of an hundred, and rectors of the chapels and arts, were all collected in one assembly, to determine on grants for money, peace, war, truce, alliance, &c. and all questions were determined by the vote of the majority, which necessarily made that tempestuous and capricious government in one centre, against which we contend.

And to the podesta, for his regulation in the exercise of his office, were given by the city fourteen counsellors, and two judges; one *de lege*, that is to say, a doctor of laws; the other *ex usu*, or *de usu*, which signified, as they interpreted the words, a protector of the commons; and two advocates for arguing each cause: and by the opinion of all these he decided upon those things which affected the honour or utility of the public, as he himself, after having made his election of these attendants, was obliged to stand by their advice\*. This Podesta, in early times, superintended not only the secular government, but the ecclesiastical: but in process of time the city became governed by three, namely, the consuls, the podesta, and the bishops; for the bishops had profited of the violent dissensions that prevailed in the city, to draw to themselves various rights and jurisdictions, as has happened in other nations. The lordship of the podesta, therefore, having thrown down the authority of the consuls; these were no

\* His oath was, *Et petam a consiliariis toto tempore mei dominii de rebus, quæ mihi videbuntur expectare ad communem honorem et utilitatem, nostræ civitatis Pistorii.* Fioravanti, p. 18, 19.

longer appointed, at least are not found in the records, till the time when the office of captain of the people was created. This institution in Pistoia happened when the Guelph party, by an increase of their numbers and strength, acquired the superiority of the Ghibellines; at which time, with a great concourse and tumult of the people, the lordship was taken from the podesta, nothing was left him but the burden of hearing and determining civil causes, and the twelve anziani of the people were instituted, and the authority of the consuls was transferred to them.

The last appearance of the consuls in the records of Pistoia is in 1248, and the first of the captain of the people in 1267; when it is said in the statute, that the captain of the people was the first ruler of the city, and the primary defender of its rights, and that he ought chiefly to watch over the conservation of the peace; that he was the judge of appeals, and of all causes in the second instance; that he had cognizance of crimes; that he governed with supreme authority, united with that of the anziani; that he kept a court, of the same kind as that of the podesta, but more numerous; and that the city gave him, for ornament and defence, three hundred of the best and ablest men, who, taking an oath of fidelity to him, stood continually in his service\*. The election of this ruler was to be made by the anziani, in the person of some foreigner, and not of any citizen of Pistoia. Notwithstanding that some of the primary citizens did in fact obtain this office, as appears by the records, the anziani were

\* Volumus quod eligantur 300 boni homines de populo Pistoriense, de melioribus et potentioribus, pro manutentione et defensione capitanei. Rubrica cento delle Legge del 1274.



sworn not to elect any man of Tuscany, or Pistoia, its district, or other place adjoining to the city or its bishoprick. The words of the law, in the twelfth rubrick of 1267, are, "Nos anthiani populi Pistoriensis, juramus, sine aliquo intellectu nobis dato, vel dando eligi, vel eligi facere nobis, ob Pist. unum bonum et virum prudentem majore 30 ann. in nostrum capitaneum populi devotum, et fidelem ecclesiæ, qui non sit de civitate Pistorii, vel districtu, et qui non sit de Tuscia . . . vel de aliqua terra, quæ confinet cum civitate, vel episcopatu, vel districtu Pistorii." And this dignity of captain of the people was in such reputation, that, in many places, princes were chosen, and sometimes even the pontiffs; and such personages, by means of their vicars, often exercised it. The captain of the people, therefore, being the conservator of the peace, and the defender of the rights of the city, the Pistoians, to give him a strong arm to bridle those who had unquiet and restless brains; thought it necessary to create certain companies of armed men, who, at the sound of a bell, should be obliged to run together into the piazza, there to receive and execute the orders which should be given them by this officer and the anziani, without whose permission they were not allowed to depart. These companies were called by the name of the Equestrian and Pedestrian Orders, because they were composed both of horsemen and footmen. These companies were afterwards augmented to twelve, in the proportion of three for each quarter, which embraced an infinite number of people; and every company had two captains, one gonfalonier, whose office was to carry the standard of his company, and four counsellors; and it was the duty of the captain of the people to procure the election of these officers, as

is asserted in the statute of 1267, rubrick 19: "Teneatur capitaneus del popolo, primo mense sui regiminis, eligi facere duos capitaneos, unum gonfalonarium, et quatuor consiliarios pro qualibet compagna civit. Pist. pro factis ipsius compagnia." And in the additional laws of 1286, eight priors were added to these companies, two for each quarter; and other orders were made for the good regulation of this militia.

The twelve anziani were created with the same authority and full power which the consuls had held; but the precise year, when the former were appointed and the latter laid aside, cannot be ascertained. The last memorial on record of the consuls is in 1248; the first of the anziani in 1263; so that the change must have been made in the course of these fifteen years. The number of members of which the new magistrature was composed, appears by a law of 1267: "Ordinamus quod 12 anthiani populi civit. Pist. sint et esse debeant in civitate Pistoria." These twelve magistrates were renewed every two months; and afterwards, as appears by a law of 1277, it was established, that the anzianate should not continue longer than one month; and this magistrature of the anziani was elected by a council of the people of two hundred, by the rectors of the arts, and by their counsellors, and by the captains, gonfaloniers, and counsellors of the companies of the people, and by the anziani pro tempore. The head of the anziani was, in the primitive times, called prior, and not gonfalonier. The prior being the first dignity among the anziani, each member enjoyed it in rotation for an equal number of days, as the president's chair of the States General is filled by all the members in turn for one week, at the Hague. This prior had great authority,



rity, as appears by a law of 1267, written in the 37th rubrick: "Anthiani teneantur facere, et faciant inter se, unum priorem de ipsis anthianis adjectum ipsis, sicut eis videbitur de tempore, cui cæteri anthiani pareant, et parere debeant, et obedire; et qui contrafecerit punjatur a priore anthianorum." Although the name of gonfalonier appears in the records of some of these years, yet certainly he was not the head of the anziani, but of the arts; thus, in the law of 1283, "Item capitaneus debeat spendere et assignare gonfalonem gonfaloneriis electis, vel eligendis, ab unaquaque arte et populo . . . ita quod unaquæque ars suos gonfaloneros et officiales habeat." From this it clearly appears, that these gonfaloniers were the heads of the arts, and not of the supreme magistrature of the anziani; which gonfaloniers were elected by the council of the people of two hundred, by the rectors of the arts, and by their counsellors, and by the captains, gonfaloniers, and counsellors of the companies of the people, and by the anziani for the time being. These anziani, sitting together with the captain of the people, and the general council of the people, promulgated laws and statutes, gave execution to all the laws, civil and criminal, performed and conducted all the most important affairs relating to the government, and restrained the nobles and plebeians with the fear of punishment, within the limits of respect and obedience\*: that is to say, all authority, legislative, executive, and judicial, was collected together in one single assembly. But how they restrained the nobles and plebeians to obedience we shall soon see.

1283.

In the year 1329, these anziani are called in 1329.

\* Fioravanti, p. 21.

the

the records Imperial Counsellors (*Configlieri Imperiali*), a remarkable title, obtained probably from the emperor Louis of Bavaria, when, after the death of Castruccio, he placed one of his imperial vicars over the custody of the city of Pistoia.

1296. The dignity of gonfalonier of justice was probably instituted in the year 1295, because in the next year, 1296, in the acts of council it is recorded, "*De consilio et consensu et auctoritate dominorum anthianorum et vexilliferi justitiæ populi, et auctoritate ducentorum consiliarorum.*"

1330. The new laws of 1330 name a gonfalonier of justice, and eight anziani. It is resolved, that the anziani of the commons, and people of the city of Pistoia, are and ought to be eight only, viz. two for each gate or quarter, and one gonfalonier of justice for the whole city . . . . The said lords, the anziani and the gonfalonier of justice, and their notaries, are and ought to be of the best popular men and artificers of the city, and not of any house of the grandees\*. And the authority of the gonfalonier of justice was placed upon an equality with that of the anziani. The law ordained, that whenever, in the statutes of the commons and people, mention is made of the anziani, the same shall be understood of the gonfalonier of justice, although he be not written; and in all things, and every where, he shall have the same authority, and full power (*balia*) as has one of the anziani, besides his proper office. And to show that the gonfalonier of justice was not, in the beginning, superior to the anziani, it appears that,

\* *Dicti domini anthiani, et vexilliferi justitiæ, et eorum notarii, sint et esse debeant de melioribus popularibus et artificibus dictæ civitatis, et non de aliqua domo magnata.* Fioravanti, p. 21.

after

after the introduction of that office, they continued to appoint, in the usual manner, a prior of the anziani, with the same authority and pre-eminence before described. The law of 1330 says, "And the anziani and gonfalonier of justice, after they shall be congregated in their palace, and shall have taken their usual oaths, ought to constitute one prior from among themselves, for such time as they please, to whom all the others ought to obey, under the penalty, &c. So that each of the anziani and gonfaloniers of justice shall be prior, according to the proportion of time they shall be in office."

1330.

The gonfalonier, by the duty of his office, was bound to send out, with the consent and participation of the anziani, the standard of justice, to assemble together the armed militia, and go out to do execution against any of the grandees (*magnati*); which gonfalonier of justice, says the law, shall be bound by the obligation of an oath, and under the penalty of five hundred pounds, upon the commission of any homicide, to draw forth the standard of justice, and, together with the captain of the people, to go to the house of the grandee committing such homicide, or causing it to be committed, and to cause his goods to be destroyed, and not to suffer the said standard to repose, until all the property of such delinquent shall be totally destroyed and laid waste, both in the city and the country; and to cause the bell of the people to be rung, if to the lords, the anziani and the gonfalonier of justice, it shall seem expedient, or the major part of them; and all the shops, stores, and warehouses, shall be shut immediately upon the commission of such homicide, and shall not be opened till execution shall be done as aforesaid. But in all other offences perpetrated  
against



against the person of any popular man by any grandee, it shall be in the discretion of the said lords, the anziani and the gonfalonier of justice, or the major part of them, to draw out the said standard or not. Such a rigorous kind of justice, as it regarded the grantees, who gave themselves a licence to commit excessive disorders against the popular men, was thought to be best adapted to their insolence. And to undeceive those who may imagine that in Pistoia, at that time, the title of grantees was a respectable title, and distinctive of the true nobility of the place, it is necessary to have recourse to the usual municipal laws, which say, that the magnati (grantees) were all those, of whatever condition, who, abandoned to an ill life, offended the popular men, and held the city and country in inquietude; and for this reason were called Magnates, became separated from all public affairs, and excluded entirely from all magistracies and offices, and subjected to penalties still more rigorous. By the laws of the years 1330 and 1344, to be declared a grandee was rather an infamy than an honour. The words of the law are these; viz. "But if it shall happen that men of any race, or noble house, or any one of them from such a noble house or stock, born of the male line, or any others, live wickedly and flagitiously against the people, hurt the popular men, and terrify and disturb the peaceful state of the people, or shall endeavour to do so by himself or by others, and this shall be made known by public fame to the captain of the people, and the anziani and gonfalonier of justice for the time being; these magistrates, at the petition of any of the people of Pistoia, shall be obliged to propose to the council of the people, that such a noble house or progeny, such a man or number of men, thus defamed, be written and placed

placed in the number of *grandeos*, and as such be accounted \*." And as the Pistoians were driven to great perplexities to maintain, in peace and quiet, their popular government, and in order to punish severely all those who should take the licence to disturb the pacific state of their city, they proclaimed this penalty on all delinquents, by a law of the year 1418, rubrick 9. "But if it shall happen that any one of any noble house or race, or any one of any other condition, shall live wickedly and profligately, or shall commit or attempt to commit any such crime or misdemeanor against the people, and the pacific state of the people of the city of Pistoia, they shall be recorded in the number of *grandeos*, and accounted as such." To such extremes of caprice and violence, destructive of all liberty and safety, are such governments naturally and necessarily reduced †.

The city of Pistoia had also in its regimen a *syndick*. This was an officer who was called an Elder, or *Syndick General*, who must be forty years of age, and live forty miles from the city. His duty was to look over the accounts of the *podesta*, the captain of the people, the *anziani*, and all the magistrates and officers of the city and its district, when they resigned or were dismissed

\* *Scribantur et ponantur in numero magnatum et potentum, et pro magnatibus et potentibus habeantur.* Fioravanti, p. 22.

† The devices on the standards, seals, and coins of the republic, as well as all other antiquities, are not within the design of this essay; but there was on one of their standards an idea that contained the truest emblem of their government—a lamb pursued by a wolf, with the motto, *Pace, ricchezza, superbia; guerra, povertà, umiltà*: Peace, riches, and pride; war, poverty and humility. If the wolf is construed to signify the majority, and the lamb the minority, as there was neither a shepherd nor shepherd's dog to interpose between them, the resemblance is perfect.

from



from their charges. There were, moreover, according to the law of 1402, judges of appeals in all causes, civil, criminal, and mixed; and to them belonged the cognizance of all disputes and regulations concerning provisions: they also superintended the sumptuary laws, against all luxurious excesses in the dress and ornaments of the ladies; and they entertained a number of notaries; and a numerous family and court, for the execution of all services appertaining to their offices.

1355. The city of Pistoia being in this state of government, in 1355 the emperor Charles the Fourth arrived at Pisa, and the citizens appeared before his Imperial majesty, and gave him the demonstrations of vassallage and obedience due to the sovereignty which he held over their city. The emperor confirmed to them all the privileges granted by his august predecessors; and desirous of fixing the reputation and reverence for the dignity of the gonfaloniers of justice, he enlarged their authority, as well as that of the anziani; and wishing to make the Pistoians enjoy, quietly, some species of liberty, he gave them, by a diploma of the 26th of May, the faculty of living and governing themselves, according to their laws and laudable customs, in a free, popular state, under the regency of the anziani and the gonfaloniers of justice, declaring both the anziani and the gonfaloniers, for the affairs of Pistoia and its dominion, his vicars, and vicars of the empire, for the whole term of his own life. "The anziani," says the diploma, "and the gonfalonier of justice of the people, and commons of Pistoia, who now are, and for the time to come shall be, in office, and no others, we constitute our general and irrevocable vicars, for the whole term of our life, with the full administration in the city, country, and district

district of Pistoia, and in all its lands, castles, and places." Pistoia maintained itself in this state of a republic as long as Charles the Fourth lived; and, taking advantage of the distance and negligence of his successors, they persevered in the same government until the year 1401, when the emperor Robert, by his charter, declared the gonfalonier and priors of the arts of the city of Florence his vicars, and vicars of the empire, and gave them the government of Arezzo, Volterra, Pistoia, and the other places of Tuscany. But in the interval between these periods, the Pistoians were never quiet; for, governing themselves in what they called a free popular state, they were for reducing all to a level, and thought, or pretended, to make all the citizens enjoy equally the public honours and offices of their city. In this state of things, the rebellion of Sambuca was formed by some of the citizens of Pistoia, at the head of whom was Riccardo Cancellieri, who had made himself master of several castles in the mountains; from whence he made inroads on the whole territory of Pistoia, and kept the inhabitants in continual alarms, with the design of delivering his country into the hands of John Galeazzo Visconti, duke of Milan. Upon this occasion the imperial vicars in Florence sent, for the protection of Pistoia, two thousand infantry, some cavalry, and three commissaries, who, calling together the general council, imposed upon the counsellors the necessity of doing whatever was required of them, that they might not incur still greater miseries. In the first place, they required that every resolution and statute of liberty, and every condition, article, and confederation, which the city had, should be annulled; and then, by another resolution, that they should subject themselves to the people of

1401.

Cancellieri.

1402.

Florence, with liberal authority to govern Pistoia at their discretion. This proposition of the Florentines was ill relished by the Pistoians; and while the council was debating on it, the soldiery took possession of the piazza and palace of the anziani; and having understood that no resolution had passed, they began, with drawn swords in their hands, to cry, "Florence for ever!" (*Viva Firenze!*) and to threaten the counsellors, who, thus intimidated, by an ample resolution suddenly surrendered the liberty of their city to the Florentines, from that day, the 10th of September 1401, to the calends of January 1402, to the end that they might apply a summary remedy to the evils with which they were agitated and oppressed, as say the books of reformations in Florence: and then were painted the lions, the ensigns of Florence, upon the palace of the syndick of the city of Pistoia. It was not long before these imperial vicars, availing themselves of the authority given them by the emperor, and of that given them by the Pistoians themselves, sent to Pistoia four commissaries to reform the public offices; who, desirous, as they said, of discovering the inclinations of their principals to raise the dignity of the city of Pistoia, proposed that the forms and orders of the city of Florence should, as much as possible, be imitated; and that the twelve *buonhomini* should be called the Twelve of the College; and that the supreme magistracy of the anziani should be no longer denominated the Anziani of the People, but the Priors of the People; and, not making any innovation in the *gonfalonier* of justice, that he should retain the same name. The prior of the anziani was to be called Provost or President of the Priori, according to the words of the reform, "And the priors shall have among themselves

themselves one president continually, who shall continue three days in this manner. After the oaths of office shall be taken, they shall cause nine votes, with their names, to be put into a purse by a notary, one of which shall be drawn out for a president, and so successively during the term of their office."

The Florentines having thus limited and restrained the privileges of the Pistoians, or made the election of the anziani, and given them the name of priors, they made eight purses, in the proportion of two for each gate, and regulated themselves according to the plan in 1376; in which year, to take away the scandalous names of the two factions of Bianchi and Neri, Whites and Blacks, were instituted two companies, one called the Company of St. John, and the other of St. Paul, and one prior was drawn for the gate of one company, and another for the other; and the gonfalonier of justice was drawn, at one time from the company of St. John, and at another from that of St. Paul. This manner of drawing the magistracy of the priori was changed in 1417, when the priori began to be drawn from two purses, the first and the second.

In 1417 the Pistoians, considering that in so great a change of affairs they ought to make some advancement of the dignity of the gonfalonier of justice, ordained that the first place in rank should no longer be held by the president and rector of the city, but by the gonfalonier. Thus says the law, "That the gonfalonier of justice shall always hold the more dignified place, and after him the president; and in like manner, in going out, with the rector and other officers of the city of Pistoia." This law was ratified by the law of 1437; and from this it followed, that in 1463 they began to make



1471. make for the president, who was to continue and reside in that office, a purse by itself, as it was determined by the other officers, in 1471, that from that purse should be drawn two, and the oldest man of them should be the first to occupy the president's place, unless the younger were a doctor of laws : and this was called the purse of the president, the first of whom had the faculty of speaking and answering first in all congresses ; which faculty however ceased, in the first president, in 1492. when it was determined, that the right of sitting and speaking first should, in all occurrences, be enjoyed by the gonfalonier of justice ; and thus this office of gonfalonier of justice, rising continually in dignity, began by little and little to be desired by the nobles, and, by common consent and a public decree, to be confined to the nobles alone. The supreme magistracy of the priori becoming a little civilized, it grew into a custom, that the purse of the president was considered as the first after that of the gonfalonier of justice, and that which was the first of the priors became the second ; but, because from this were drawn four subjects, it was called the Purse of Four ; and the other, which was called the Second of the Priori, became the third, and was called, from this time, the Common Purse, in which all citizens qualified for offices ought to remain, at least for the period of one reform, although by his condition of birth, merit, and age, he was qualified for a purse of higher rank. When afterwards it was established, that the descendants of men of rank and distinction, by the male line, should no longer begin to enjoy the priori by that purse, but by that of four, the same was called no longer the Common Purse, but the Third ; whence, by virtue of this new order of magistrature, we read, in
- 1475,



1475, of one gonfalonier of justice, two presidents, four of the first, and two of the second purse, and one notary, with the preference to the gonfalonier of sitting first, given him by the law of 1474, which says, "The gonfalonier shall obtain the first and most dignified place."

By the few memorials that remain in the archives of Pistoia it appears, that there have been many and various councils of citizens, for the regulation of the public affairs of the city, in which councils resided the supreme authority of government; and before the construction of the public palace, all these councils were assembled in a church, at the election of the head of the supreme magistracy of the anziani. The council of the people, from the year in which the anziani were instituted, had, until 1477, the preference to make the reforms of the magistrates and public officers of the city; in which year it was ordained, that such reforms should be made by those who had been drawn gonfaloniers of justice, and workmen of St. James. These reformers began to be called men of rank (*graduati*) for being arrived at the first degrees and honours of the city, which at that time were the offices of gonfalonier of justice, and that of a labourer of St. James; and, for the first time, they are found thus named in the reform of 1483: and afterwards it was established by law, that two of a family should intervene, to make the reform of public offices, and that the number of thirty-three should be sufficient to make the reform with validity. And this order of the *graduati*, or men of distinction, is that by which, at this day, is most clearly distinguished the nobility of the city of Pistoia.—In the year 1521, the number of the *graduati* destined to make the reform of the public officers failing, there were

1483.

1521.

1580.

elected certain citizens, of the other noble and popular families, and the name of Arruoti; and it was established as the duty of these to intervene in making the reform; and this lasted till 1580.

In the times of the consuls we read, that there was a council of an hundred citizens, who were chosen by four men of good fame, twenty-five for each of the four gates of the city: without this council, neither the consuls nor the podesta could determine any thing; and when there arose a question of peace, war, or taxes, besides the council of an hundred, all the rectors of the chapels and arts intervened; and as upon these occasions the consuls, podesta, counsellors of the hundred, and rectors of chapels and arts, all met in one assembly, and determined all things by a majority of votes, which, as has been before observed, made it a government in one centre (an aristocracy in reality, though a popular state in name) and consequently some two or three families must always be at the head of it, and constantly contending for the superiority, kept the people in perpetual contention.

There was another council, as appears by the records, formed of fourteen citizens, and of all the doctors and advocates, which was destined to counsel the podesta; as he himself, after having made his election of them, was obliged to govern by their advice: such was his oath; "And I will submit to my counsellors, through the whole time of my dominion, in things which shall appear to me to regard the common honour and utility of our city of Pistoia." As neither the podesta nor this council had any negative on the legislative council of an hundred, but, since the podesta had the choice of its members, was no doubt composed of his friends in the council of  
an

an hundred, it is plain that the same persons and families must have the chief influence and direction of affairs in both; so that this executive council had the same centre with the legislative council.

It is further found, that in the first times of the government of the twelve anziani, viz. in 1267, there were two councils, one of forty counsellors of the captain of the people and of the anziani, who ought to be of an age above forty years, and their office continued six months; and they resolved upon all propositions which by the captain of the people and the anziani were proposed to them, provided they were not contrary to the laws and the reform of the commons and people. The other council was called the Council of Two Hundred Counsellors of the People; and in the assemblies of this council intervened all the aforesaid forty, and, moreover, all the captains, gonfaloniers, and counsellors of the companies of the people, and all the rectors and counsellors of the arts, and all those who had been anziani. The fabric of this government, and its spirit, was the same with the former, only the name of captain of the people was substituted for that of podesta, and a council of forty was substituted to that of fourteen, and a council of two hundred to that of one. The alteration therefore was not at all for the better.

After 1330 there was one council, called the General Council; this was formed of an hundred citizens, viz. fifty popular men, and fifty grandees (magnati). In this council intervened all the members of the council of the people, all the chevaliers, all the doctors of laws, and all the physicians of Pistoia, matriculated in the college of physicians. But this council had of itself no authority,



thority, and could do nothing without the council of the people. In like manner, after the same year 1330, the principal council of Pistoia was that of the people, in which intervened all the an-ziani, gonfaloniers of justice, and their notaries, and two hundred popular citizens; and none of the grandees could be of this council. They were elected fifty for each gate. The authority of this council was supreme and sovereign, to make and repeal laws, impose and take off taxes, &c. In more ancient times, as appears by the rubrick 62, of the law of 1267, the council of the people had consisted of six hundred citizens; but because such a multitude generated confusion, it was reduced to two hundred in 1270.

But the government of longest duration in Pistoia was that of the eight priors of the people, and one gonfalonier of justice; and this body was called the Supreme Magistracy of the City, and was renewed every two months, from the four purses, in the palace of its residence. When they proceeded to draw these magistrates, with solemn pomp was raised up, from the treasury of St. James, the box, within which were locked up, with four keys, all the votes of the magistrates of the city, and was carried in procession, accompanied by the magistrates of all the colleges, with the trumpets sounding, into the public palace; where, from the first purse, was drawn the gonfalonier of justice, who was the head of this magistracy, and not only enjoyed the supreme dignity, and the pre-eminence in place, robes, habitation, and in all other respects, but answered in the name of the public: and although in public affairs he could not rule alone, there was always allowed him a right of freely entering when he would into the greater council, and into all other councils and colleges where  
any



any matters of importance were under deliberation, and there give his opinion, his reasons, and his vote. This gonfalonier was a man of gravity from his age; and that he might be respectable in all points, it was required that he should be of an ancient family\*: and he who enjoyed this supreme post enjoyed a jewel, held in veneration by the people, and in great esteem by the nobility. There were then drawn from the other purse two subjects, who were called presidents; and these were sometimes of a middle age, and sometimes old men, and for the most part, after giving proofs of their wisdom in this station, they ascended, either by means of their birth or their merit, to the rank of the gonfalonierate. From the other purse, called the purse of four, were successively drawn four subjects of the prime nobility, or at least of middling condition, who, for the most part, were in younger age; and from this purse, some by their birth, and some by their merit and their age, passed up to the more dignified purse of the presidents, and sometimes to the rank of graduati, or men of distinction. In the last place were drawn two persons from the third purse, in which were contained all the citizens who had not made any advancement in the other purses, or had been of families worthy only of the purse of four, and among these were found those who exercised civil and liberal arts; and these did not diminish the dignity of the magistracy, but rather gave occasion to maintain the union between the plebeians and the nobility; for with this consolation, the former remained long quiet, without any insurrection. This magistracy had in the service of its ministry a chancellor, who was a notary public, and

\* Si richiede lunga, e continovata chiarezza di sangue.

was drawn from a purse destined for that purpose. This magistracy began their offices on the morning of the first day of the month, in their senatorial robes. Each of the priors wore a robe of scarlet lined with red damask, vulgarly called a gown (*lucco*), with a hat or bonnet lined with a cloth of black silk, with its ribbon and tassel of black crape, and upon the left shoulder a large knot of crimson satin, which was commonly called *la becca*; and the chancellor wore a gown of black cloth, lined with red cloth, without the knot upon the shoulder, but with a hat similar to those of the priori, whose duty it is to draw up and sign the acts of this magistracy; but the gonfalonier of justice is clothed with a robe of red velvet, with a similar shoulder-knot, and his head is covered with a boad hat, of a noble appearance, the name of which is *tocco*, a bonnet. This magistracy, thus clothed and ornamented, before the syndick of the old magistracy took the oaths of their offices, in the public view of the people, in the larger piazza, and under the ample covering of it, built in 1332 with the revenues of the excise, or *gabelles*, of the four quarters of the city; and, after having taken their oaths, they went in procession, with the standard of justice, to the chapel of St. James the apostle, protector of the city, and thence to the palace of their residence, which was spacious enough to receive, in the year 1536, the emperor Charles the Fifth, in all the forms of majesty. None of the component members of that magistracy could go out privately; but only in some determined function was it permitted to the whole body of the magistracy to go out of their palace with solemn pomp. This magistracy resided with their chancellor, night and day, in the palace, to the end that all public business might be

be dispatched and attended to with the greater vigilance, for the good government of the city ; and they drew from the commons a sufficient appointment, both for the maintenance of their tables, and of six and twenty persons destined to their service, and for the honourable management of the furniture of their palace, the linen for their persons and households, and of their plate, and all other things necessary for their use in the time of the government. This magistracy also entertained a chaplain, with a handsome salary. We may pass over the tedious description of feasts and public processions, and return to the former discourse, and say, that the gonfalonier of justice was the head, not only of the supreme magistracy, but also of all other subaltern magistracies which were in the commonwealth, and without him there could not be convened any council of the citizens, to engage in any public deliberation. This magistrate, while the public residence continued, was attended, whenever he went out of the palace, by a retinue consisting of one person, who, with the title of fiscal, resided in Pistoia, by one assessor versed in the profession of the law, by the captain of infantry, by two architects of the palace, by the steward of provisions, by the chancellor del danno dato, by the master of the house, and by six and twenty servants : and in the performance of religious ceremonies, and in some of the principal assemblies, this magistrate had a retinue of magistrates and nobility, which gave him more splendour than a crown.

The magistrates, upon whom depended the right government of the city of Pistoia, are, besides those already named, all these which follow : some determine upon public affairs, others preside in judicature, others superintend the common interests, others



others private ; these watch over health, those over plenty ; some attend to the conservation of the peace, and others to politics. These magistrates are the twelve colleges ; six for petitions ; two for the works in the palace of the supreme magistrates ; the two companions ; the captain of infantry, who in ancient times was called by the name of captain of the families of the anziani, and who, in primitive times, was called by the name of votalarche—the institution of this office was most ancient ; the six labourers of St. James, who, besides other commissions, held that of provisions, and are, exclusively of all other magistrates, lawgivers, judges, and overseers of all the transgressions dependent upon matters of provisions, and is the first magistracy of the nobles, because he who is denominated a labourer of St. James enjoys the noble rank of the graduati, a dignity and charge of equal nobility, although of different function and command, with that of gonfalonier of justice, as this office confers the character and distinction of nobility both upon the person and the family. There are also the four officers of the pious and charitable house of wisdom ; the four workmen of the holy virgin of humility ; the magistrates over the rivers and roads ; the labourers of St. John and St. Zenone ; the magistracy of buonhomini over the prisons ; the ministers of the mount of piety ; the ministers of salt ; the ministers of pledges deposited ; the approvers of the excises ; the purveyors for the commons ; the four over civil contests ; the two over the restitutions of gabelles ; the two over the public schools ; the deputies superintending the poor ; the deputies for the assessment of taxes ; the magistrates of abundance ; the magistrates of health ; the judges of controversies relative to beasts ; the four peace makers ; the ministers



*Fioravanti.*

ters of the trumpet; the eight reformers; the ministers of the commons; the ministers of the custom-house; the syndicks of the rectors; the deputies over the workhouse of the poor; the prison keepers; the college of judges; the notaries; the rectors of arts; the tribunal of damages done; the registers who assisted in civil contests; the magistracy of three judges, who are foreigners: but at present, as the public revenues are farmed out, these are suspended, and in their place the fiscal of the city is introduced to decide the controversies of the people, with the liberty of recurring to the grand ducal chamber at Florence, in cases of appeals and denials of justice. The appeal from civil causes, determined by these magistrates, is sometimes to the supreme magistracy of the priori and the gonfalonier of justice of the city, in the name of whom the public decrees are dispatched, and under the impression of his seal.

There is, moreover, a council general of the people, formed of sixty citizens, and their office continues six months; into this council intervene the priors of the people, the gonfalonier of justice, the twelve colleges, and the six for petitions. This council holds the supreme authority of the city, and has jurisdiction over all the magistrates who transgress their offices, and has the faculty to treat and dispatch the most important affairs of the state of Pistoia, to make and repeal laws, name ambassadors, dispense offices, lay on and take off taxes, and to give all assistance to the other magistrates, who all have their peculiar incumbent duties; and each member may oppose a decision on any question under deliberation, that it may be referred to another session, to be approved or rejected on mature consideration.

For the most weighty business of the government,

ment, there is a council composed of the old and new council of the people, the priors of the people, the gonfalonier of justice, the twelve of the colleges, the six of petitions, all the graduati, the resident officers of the pious house of wisdom, and all the resident gonfaloniers, and resolve as to the majority appears most useful and advantageous for the public good, where all the most momentous affairs and causes most interesting to the public are digested.

There is also a council of graduati, which had its beginning in 1483, and is composed of two persons for each family, of those persons, however, who actually enjoy the dignity of the graduati, which is the first of the honours of the city; and three and thirty members are sufficient to form a valid council, to which it belongs to promote persons and families to the citizenship of Pistoia, and to public offices and honours. Every five years this council, together with the gonfalonier of justice, and the eight reformers, put to a secret vote all the persons who enjoy the citizenship of Pistoia, and reward or condemn them as justice requires. They renew the imborations of public offices and honours, and give or take away from all as they please; examining well the ranks of the citizens, the nobility, antiquity, merits and demerits of all persons and families, over whom they keep a watchful eye, in order to prevent all occasion of confusion, disorder, and disturbance, which might happen through the discordant pretensions of the citizens; and thus guarded and established, they come from time to time to the distribution of those offices for which there is occasion.

Pistoia has also its dispenser of laws (*giusdicente*), the duty of whom is to procure the peace and tranquillity of the citizens, and to distribute justice,

justice, both according to the municipal laws, and conformably to the will of the sovereign; and from ancient times his post was occupied by the podesta, introduced by the emperors into all the cities of Italy; and because that, in the league that was called the confederation of Tuscany, concluded in 1197 between many places and cities of that province, for their common defence against the rights, or at least claims, of the emperor, to dilate the limits of their liberty, Pistoia had her place, and elected, according to the tenor of the association, her head, with the title of captain, to whom were confided, as the law required, all their affairs and pretensions, therefore, in 1200, it is said that Pistoia had for her captain one by the name of Gualdaccio; from which year, until 1529, there was always elected by the Pistoians, and by those who had the government of Pistoia, a rector, together with the podesta, for the good direction of the affairs of that city. It happened afterwards, that in the great tumults between the factions of the Panchiatica and the Cancelliera, there were elected by the Florentines thirteen commissaries, to establish the peace between those factions; and they annulled, among the multitude of things which they did in 1502, the office of captain, and created that of commissary; and thus in some years he was called commissary, and in others captain commissary, and in others they returned to the old name of captain. In 1529 the Pistoians, finding themselves in great difficulties, doubtful whether they should be able to govern themselves, and dreading the devastations of the army of the emperor Charles the Fifth, which was near their confines, sent ambassadors to Bologna, to supplicate Clement the Seventh, who was then in that city, that he would condescend to defend their city from the imminent danger,

Panchia-  
tica.  
Cancel-  
liera.



danger, and take it under his protection, and delivered him the keys of it; which the pontiff, in his own name, and in the name of the emperor, who fought for the obedience of the Florentines and the other cities of Tuscany, having with great alacrity accepted, he sent suddenly, for the government and custody of Pistoia, Alexander di Gerardo Corsini, with the title of commissary; and therefore it followed that no podesta or captain was elected afterwards, excepting for three years, but one magistrate alone, with the title of commissary general, as was ever after the custom.

The emperor Charles the Fifth having, in 1530, reduced by force the Florentines, and their confederates, to submission to the empire, and restored in Florence the house of Medici, who had been banished by their fellow-citizens, consigned to them the government and dominion of Tuscany. Pistoia did not hesitate a moment from its obedience to the new regent of the province, by which ready submission they obtained from him the faculty of continuing to govern themselves according to their own laws and laudable customs; and they continued to receive, in place of a podesta and captain, a commissary general for their defender and governor; for all the time that the government of the house of Medici lasted, to maintain the government in suitable dignity, it was their custom always to confer it on some senator of Florence.

1737. The government of the house of Medici terminating in the year 1737, by the failure of the succession, it was conferred, by the emperor Charles the Sixth, on Francis, the third duke of Lorraine and Bar. This new lord of Tuscany, pursuing the same system of government of the house of Medici, has continued to furnish the city of Pistoia with

with a commissary general, if not a senator, at least respectable for his nobility, who, regulating the government by the laws of the city, has always enabled it to enjoy a perfect tranquillity.

Francis, the second grand duke of Tuscany, in 1749, conceiving a good opinion of Pistoia, as a city of merit, and in all things respectable, wishing to raise its dignity and honour, as he pretended, annulled the office of commissary general, and confided the government to a minister, with the title of governor\*.

In a city, where every interest seemed to be guarded by particular magistrates, where so many changes were made in their form of government, in order to find one which would please and satisfy the people, one might expect to find happiness, if it were possible that it should exist where legislative and executive powers were confounded together in one assembly. But if we go over again the several periods of the history of Pistoia, we shall find that similar causes had the same effects.

At the end of the eleventh and beginning of the twelfth century, civil discords in Pistoia generated much misery, and many families, fearing that they should have still greater evils to suffer, determined to abandon their country; and, as a lesson to their mad and cruel fellow-citizens whom they left behind them, they caused an inscription to be engraved on the gates, "Habbi pazienza" (have patience), a motto that ought to be written over the door, and engraven on the heart, of every citizen in such a government, and went to inhabit other countries.

Italy beginning, in 1112, to be infected with the contagious disease of the factions of the Guelphs

\* Fioravanti, p. 38.

1235.

and Ghibellines, destructive insurrections and tumults were raised in Pistoia; and the citizens, infected with a spirit of cruelty against each other, without fear of human or divine chastisement, attended to nothing but party quarrels, and mutual slaughter and murder: and these contests involved the city in continual wars, foreign and domestic, till the year 1235, when the podesta, a wise man and a nobleman of high rank, exerted all his prudence, vigilance, and solicitude, to repress and compose the tumults of the nobles and popular party, who, on account of the government, were grown unusually fierce and insolent; but not being able to reconcile differences so inveterate, nor prevent the cruelties which both parties, regardless of his menaces and punishments, daily committed, the city was thought to be in evident danger of total desolation. As some of the citizens had given assistance to the Conte Guido de Conti Guidi, who was become odious to other citizens as the fautor of Ghibellines, tumults were increased and multiplied, till the city was at length divided into two, came to a fierce battle, and, as one party would not mix with or depend upon the other, each one elected its podesta and consuls, as if they had been two separate cities and independent governments; and a war was maintained between them for years with such fury, as set all laws, human and divine, at defiance, till, exhausted and humbled on both sides, they were forced to have recourse to Rubaconte, podesta of Florence, under whose mediation a peace between them was concluded, with a detail of articles, to the performance of which Florence became warrantee. In consequence of this mediation and peace, Pistoia returned, for a short time, to her flourishing condition; so that not only the greater powers admired



mired her felicity, but the most formidable of the other cities stood in awe of her. But, oh miserable vicissitudes of ill-constituted governments \*! to the confusion of the citizens of Pistoia, the other cities, by some intervals of peace and union, grew more powerful, and Pistoia alone, by the continuance of quarrels, factions, and civil wars, was meanly reduced in command, honour, and fortune. It was not long before the old disputes revived, and continued till 1251, when the pope

1251.

was obliged to interpose, and negotiate a new peace between the parties in Pistoia. But this peace could not be effected till long wars, a great destruction of lives, and a general desolation of the lands and cities, by the various leagues and alternate confiscations of the rich and the poor, the nobles and commons, Guelphs and Ghibellines, had fatigued and exhausted all parties.

In 1260 the Ghibellines of Pistoia, Florence, Volterra, and Prato, could no longer bear the insolence and impertinence of the contrary faction: they therefore formed an union with their friends in the other cities, raised armies, and renewed the wars; and, after many sharp conflicts, and at length the sanguinary battle of Montaperto, they turned the tide of fortune and the torrent of popular passions in their favour, till all Tuscany became Ghibelline, excepting Lucca and the Florentine exiles. At the instigation of the Conte Novello, vicar of the king Manfred, Pistoia, Florence, Siena, Pisa, Volterra, Samminiato, Colle, Prato, and Poggibonfi, raised a standing army to make war upon Lucca, because this city was the asylum of their fugitives. This army was maintained only by the imposition of universal and very heavy

1260.

Monta-  
perio.

Novello.

\* Ma oh misere vicende del mondo! Fioravanti, p. 219.

1267. taxes, did infinite damage in the country, and at last, in 1267, obtained a peace between Pistoia and Lucca, upon conditions, one of which was, that each city should pardon the other all the injuries, molestations, discords, offences, damages, rapines, homicides, devastations, and conflagrations, that had been committed.

1268. In 1268 the Guelphs in Pistoia were much displeased that the heads of the Ghibellines, banished and driven out from their city, should, under Astancollo Panciatichi, have fortified themselves at Lucciano, a castle under the eyes of Pistoia; therefore they ordered Cialdo Cancellieri, their podesta, to go out with an armed force and dislodge them. Panciatichi, having penetrated the designs of the Guelphs in Pistoia, fearing that he could not resist the assault of his enemies, because he was inferior in force, and without hopes of succour, abandoned the post, and went to Pisa, where he united himself with his confederates: so that Cancellieri, finding the castle empty of inhabitants, plundered and demolished it, and caused the Panciatichi to be banished as the heads of that faction, whose estates were all confiscated.

1270. The partialities of the citizens of Pistoia having, in 1270, in some measure subsided, by means of the government of the Universal Pacificators of Tuscany, they set about a reformation of their magistrates; and considering that a multitude always generated confusion, they reduced to two hundred their general council, which had been composed before of six hundred members, and created many new magistracies and jurisdictions, in order to bring into order the affairs of their government\*.

1284. But in 1284 there arose again most grievous dis-

\* Fioravanti, p. 230.

orders, by reason of the ill administration of justice; and the general council elected the wisest citizens, to make another reformation and new laws, and to bring about a reconciliation among the principal citizens who disturbed the public tranquillity. But all their regulations were ineffectual; for in the next year, 1285, fresh disturbances were perceived in the city of Pistoia, occasioned by certain families, who, by means of copious wealth, and the adherence of numerous friends, followers, and relations, aspired, at their discretion, to govern the city: but as the wisest men exerted themselves, that their public affairs should depend only on law and justice, not upon the passions and caprice of individuals, they called together the general council. These endeavoured to render those families odious and unpopular, as well as the title by which they were distinguished; and to this end ordered, that those families should be declared "grandeas" (magnati), who by their influence and power disturbed the public tranquillity: and to be declared a grandee became equivalent to being declared a seditious person, an arrogant, an impertinent, and separated from the government of the commons of the city.

1285.

The dominant party ruled so arbitrarily the Guelphs, committed so many robberies upon them, and burnt and destroyed so much of their property, that these became desperate, and the exiles from many cities raised an army, which obliged the Pistoians, and the governors of other cities, to raise another to oppose it, at an expence of an universal imposition of taxes upon all the necessaries of life. The two armies met in the plain of Campaldino, and a memorable victory was gained by the Guelphs; and fire and sword were again scattered wide in consequence of this.

1288.

Campaldino.



1290.

In 1290 another fierce tumult arose in Pistoia, between the most illustrious families, occasioned by a stroke of a sword, given by Mone Sinibaldi, upon the face of Gio. Vergiolesi. Upon this signal there was a general insurrection; and it cost all the art and resolution of the government, to do justice, to prevent another general battle; for civil discords were beyond measure increased, and the people, without any bridle, were in the utmost danger of desolating the city, and leaving it empty of inhabitants. The exiles in the mean time took their stations among the mountains, where they fortified themselves, and made incursions from time to time, robbing, plundering, burning, and murdering, without controul.

1296.

Another insurrection, in 1296, came very near to accomplish the final ruin of Pistoia; it ended in a bloody battle, in which many persons lost their lives, and the parties remained as inveterate and cruel after as they had been before it. Insurrections and tumults continued so frequent, that the bishop fled for fear, the merchants could do no business, and revolutions, insolence, robberies, assassinations, daily happened\*; and such diffidence and distrust was fixed in the minds of all men, that all lived in continual fear and suspicion. These apprehensions were carried to such a length, that each one shut himself up in his house, with the friends he could collect, where he fortified himself; and those who had not towers to their habitations erected them†. Sixty towers were erected in this single city, some of which still remain ele-

\* Le rivoluzioni, le insolenze, le rubberie, li assassina-  
menti, che giornalmente accadevano, &c. Fioravanti,  
p. 243.

† Fioravanti, p. 244.

vated on the roofs of the houses, some are now covered with roofs, others since included in the buildings as they have been enlarged, and others, from time to time, have been ruined and destroyed in the subsequent wars. It is to be noted, that, by law or by custom, towers might not be erected but by the nobility, and these had their measure; so that, to avoid envy, they could not exceed a limited height. But at this time the insurrections of the citizens and of the people of the castles in the high lands increasing, seditious and perverse people were found every where, which gave occasion and motives to all the citizens to think of their houses; and they began, through the whole state, to proceed to exemplary punishments, without regard to the age, condition, or sex of the persons, and thus, in a short time, to so many evils and tumults: and besides the quiet that resulted to the city, the stimulus had an effect on the castles in the mountains, viz. Cavinano, Lizzano, Popillio, Piteglio, St. Marcello, Mammiانو, and others, to make that universal peace which is mentioned in the archives of the city.

But the disorder was not confined to the common citizens in town or country, it originated in the divisions among the men of birth, fortune, and abilities, in the government; and contests for superiority among the anziani themselves, in 1298, arose to such a degree, that from argument, intrigue, and oratory, they proceeded to blows, and, after a rude encounter, the weaker party fled to the public archives, and shut and secured the door in the faces of their pursuers: those without, finding it impossible to pursue the affray, determined to take their vengeance by fire; accordingly, setting fire to the archives, those within remained, together with all the papers, files, and records, a prey

1298.

1299.

Cancellieri.

and a triumph to devouring flames. This terrible event, as may well be believed, produced still greater tumults and confusions, which were terminated at last by a calamity of another kind, more terrible, if not more destructive, a continuance of earthquakes for eight days together, which shook down houses and towers more effectually than the inhabitants were able to do. This event, which was believed by some to be a judgment of Heaven for the animosities of the citizens, it was hoped would promote peace and benevolence among them; but they soon revived, with more wickedness than ever, their ancient dissensions. The family of Cancellieri, at this time having most influence, both by the riches they possessed, and by their great numbers, amounting to an hundred men in arms, as brave as they were haughty, were become formidable to all the other families in Pistoia, to such a degree that all, both in the city and country, stood in fear of them. It happened that Carlino di Gualfredi, and Dore, or Amadore, the son of William Cancellieri, being together in a cellar, where they had drank too freely, fell into a squabble, in which Dore was beaten, and insulted with outrageous language, which offended him so highly that he meditated a cruel revenge. Going out of the wine cellar in this temper of mind, Dore went, late as it was at night, and laid himself down in a corner of the street by which Carlino was used to pass, and there happening to see Vanni, the brother of Carlino, on horseback, without thinking of his innocence, gashed him in the face by a blow with a target, and by another stroke cut off part of his left hand. In this deplorable condition Vanni was carried to his father, who, seeing his son so barbarously treated, was so inflamed with resentment, that, disregarding



ing all laws divine and human, he began to meditate his revenge. At this moment the extravagance of his son was reported to William, and affected him with such grief and disgust, that he thought of averting any unfortunate consequences by an act of submission; and he sends his guilty son to the father and brothers of the man he had injured, to ask their pardon in his own name and in that of his afflicted father. But all in vain; for scarcely had Gualfredi cast his eyes on Dore, when he seized him, and, without regard to the goodness of his father, cut off one of his hands upon a horse manger, and gashed him in the face, in the same manner as had been done to Vanni his son. By this atrocious deed, done in cool blood and a sober hour, the father and brothers of Dore were so exasperated, that in order to obtain some signal revenge, they united the force of their friends and relations, filled the city with brawls, discords, and murder, and divided not only the family of Cancellieri, but the whole city, into two parties. The Cancellieri were at that time very numerous, very rich, and in near degrees of blood related and allied; some of them were derived from the lady Nera, and others from the lady Bianca, both of them wives of M. Cancelliero, the first author of the surname of this family; but now, no longer regarding their consanguinity, they became so perverse as to attend to nothing but the destruction of each other; and reviving the memory of the ladies, from whom the ancestors of Carlino and Dore had their original, the followers of Carlino took the name of Bianchi, and the followers of Dore that of Neri; and the people being already infected with diabolical passions, the Ghibellines took the part of the Bianchi, and the Guelphs that of the Neri; and from this time the two factions  
of

of the city began to be called Bianchi and Neri, and frequent bloody battles were fought in the city between them.

\* The whole people in the city and country became divided into Bianchi and Neri, and the mutual slaughters of men, and burnings of houses, came very near to ruin the country. There was not a person who was not obliged to assume one of these names, and side with one of the parties. Recourse at last was had to Florence, to assist the magistrates in controuling these parties; and the heads of the parties were banished, all except Bertacca, far advanced in age, and one of the knights of St. Mary, an order which had been instituted by Urban the Fourth to pacify the factions. It was confined to the nobility, invested with white robes with a red cross, and two red stars in a white field; but, with all its pomp and sanctity, had very little influence to correct the errors of an imperfect government. The Cancellieri took refuge in Florence, those of the Neri in the house of the Donati, and those of the Bianchi in that of the Cerchi; and infected Florence at last to such a degree, that those party distinctions became as common and as mischievous in that city as in Pistoia. At this time the Tuscans, holding themselves free from all subjection to the empire, and regulating all things according to the caprice of parties unbalanced in their governments, the pestiferous venom spreading wider every day in the minds of the people, the two factions aiming at nothing less than each others total destruction, had for their object the ambitious desire of do-

1301.

\* Vid. Ferreti Vicentino, lib. ii. apud Muratori, tom. ix.—*Rerum Italicarum Scriptores*, Muratori Annal. tom. viii. p. 2, 3.—Cosi le maledette Sette, si andavano dilatarando per tutta la Toscana.

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mineering without controul. With this maxim, which is characteristic of the seditious, these factions joined in the city of Florence to trample on the laws; and the party Bianchi succeeded to drive out by force the party Neri, and assumed the dominion of the city.

But before the end of the year, another revolution was effected both in Florence and Pistoia, and the houses of many of the principal people levelled with the ground. The Florentines, among whom the party Neri governed, in 1301, suspecting that the Bianchi, now banished from their city, would, with the assistance of the Bianchi who ruled in Pistoia, rise again with new force, entered into a combination with Lucca for the total destruction of Pistoia; and a war succeeded, which lasted many years, and extended to all the cities of Tuscany, introducing the distinctions of Neri and Bianchi, and several revolutions, in all of them. But the war against Pistoia was maintained by Florence and Lucca in concert, till Pistoia was taken, its country divided, and its people persecuted and oppressed, when, finally, they refused to receive a podesta from Lucca and Florence. This occasioned another army to be sent against them. The Pistoians then called in the mediation of Siena; by whose decision it was ordained, that the podesta and captain of the people for Pistoia should not be chosen by the Lucchese and Florentines, but by the Pistoians themselves, provided that the election should always fall upon some citizen of Florence or Lucca. This award was supported by the Tedici, Ricciardi, Rossi, Lazzari, and Sinibaldi, and others their followers, against the will of the Taviani, Ughi, and Cancellieri, and their adherents both among the grandees and popular citizens. This difference of opinion occasioned



sioned quarrels and dissensions. The three families could not bear that the five families should \* lord it over the city ; each of these parties therefore, striving to drive out the other, without regarding the expence or inconvenience, assembled their friends and forces, marched through the country, laid waste, combated, and assassinated, in defiance of all government. But in the end, the Taviani having fallen into an ambuscade in the midst of their enemies, near a river, some were killed, others made prisoners, and the rest dispersed as fugitives ; and their fortrefs delle Piere di Montecuccoli, now called Valdibura, and the church of St. Simon, where they had been used to retreat, were sacked and burnt.

1316. In 1316, the Pistoians conceived a jealousy of the prosperous fortune of Ugucione, not only on account of a signal victory he had obtained against the Guelphs, but because he had been made lord of Pisa and Lucca, and had it in contemplation to reduce Pistoia to his power. But dissimulating their fears, and to make him friendly and benevolent to their city, the Pistoians chose him for their podesta. Coming to Pistoia, he restored the Cancellieri, the Taviani, the Ughi, and Sinibaldi.

1317. In 1317 the Pistoians, by reason of the turbulence in Tuscany, put themselves under the protection of Robert king of Naples. Castruccio

1318. Antelminelli, captain general of the wars of the Lucchese, having conducted to a happy issue many enterprizes for that community, thought of reducing to its dominion the city of Pistoia, by the means of its Bianchi exiles : but, after many skirmishes and mutual ravages of each others terri-

\* Signoreggiassero la citta.

tory, a battle fought between him and Giulione, who commanded the Pistoian forces against him, in which a decisive victory was obtained by the latter, produced a treaty of peace between them, one article of which was, that the exiles should be restored; the Neri consenting to this rather than risk a renewal of the war.

In 1321, Uberto Cancellieri executed the office of podesta in the city of Padua, to the greatest satisfaction of that people. And the same year, Gio. Panciatichi gave clear proofs of fidelity and courage in the office of commissary of Romagna, under Clement the Fifth and the people of Florence. 1321.

From 1321 to 1330, the history of this republic is filled with wars, seditions, and intrigues, all set on foot by the different contending parties, in order to elevate some individual, a favourite, or a tool of their own, for the sovereign of the state. The simple heads of the story must suffice.—Castruccio commences a destructive war upon the frontiers, to obtain the sovereignty of Pistoia for himself. Pittecciani betrays many castles into his hands to favour his designs, being probably inclined to that party; Pittecciani, however, is beheaded for treason by the Pistoians. Amidst these calamities, Ormanno Tedici conceives the design of making himself the sovereign of Pistoia. The want of rain for eight months, and the devastations of war, had occasioned a famine in Pisa, Lucca, and Pistoia. Upon this occasion Tedici, and Vanni Lazzari, both rich and powerful, as well as proud and ambitious men, and consequently jealous of each other as rivals, appear upon the stage: their intrigues are full of all that duplicity and hypocrisy, which is universal on such occasions \*. Tedici 1321.  
1330.

\* Fioravanti, lib. xix.

persuades

persuades the Pistoians to a truce with Castruccio, and seizes the piazza and palace of the anziani with his partizans; is made lord of Pistoia, and reforms the magistrates of the city, and concludes the truce with Castruccio, much against the will of the other party. Having gone through all the ceremonies of a revolution, that is to say, reversed every thing, recalled exiles, &c. and governed the city fourteen months, his nephew, Philip di Fortebraccio Tedici, a youth full of ambition, conspired to take away the sovereignty from his uncle, and assume it to himself. To this end he began by corresponding with the Guelphs in exile, and by infusing into them a belief that his uncle entertained a secret correspondence with Castruccio, to deliver Pistoia into his hands. The nephew, by other artificial discourses and simulated manners, exerted himself with the Guelphs to depose his uncle, and restore all the banished and scattered members of the Guelph party. His fictions were credited, the resolution was taken with alacrity, they united themselves with the impostor, and, the better to obtain their desires, communicated their intentions to Neruccio Conte de Sarteano, a Guelph gentleman of prudence and sagacity, and requested his counsel and assistance; who, deceived by the relation of facts, so well invented and coloured by Philip, acknowledged, that if remedy was not immediately provided, Pistoia would fall into the hands of Castruccio; and offered them his cavalry, and promised to exert all his force to obtain the ends they desired. The uncle discovering the conspiracy, complained to his nephew, who roundly asserted it to be a fiction of malice; and went immediately to the heads of the plot, told them that the abbé his uncle was informed of all, held a short consultation with them, in which it was resolved



solved to rise at once, and carry into execution what they had intended. The conspirators assembling in the morning, and taking arms in season, rushed with Philip to the piazza, scattered the guards, by putting to death all who resisted, took the place, ran through the city, assaulted the palace of the anziani, occupied the gates, and garnished the walls with their people, and Philip remained lord and sovereign of Pistoia. This done, Philip called together the council of the people, obtained the title of captain, and taking the sovereignty of the city on himself, reformed it with new anziani and magistrates, and, governing severely, made himself feared by all men. The abbé Tedici, having lost the lordship of Pistoia, and eager to regain the possession of it, machinated with his other nephews and adherents to throw out of the window of the public palace his nephew Philip; and going with his followers to the palace, he was introduced alone to a conference with the artful Philip, by his express order, who immediately ordered the gates to be shut against the other conspirators, and with a very few words again imposed on his uncle, and made him prisoner. Philip, thus liberated from the snares of his uncle, suddenly renewed the truce with Castruccio. He conducted his negotiations, both with Florence and Castruccio, with so much duplicity, that he deceived both: there are few examples of deeper simulation, more exquisite address, or of selfish knavery of a blacker dye, than he practised with his uncle, with the Florentines, and Castruccio. After obtaining of the Florentines the creation of his son a knight of the golden spur, three thousand golden florins for himself, and noble matches and rich dowries for his two daughters, of the Florentines, he married himself to Dialta,  
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the daughter of Castruccio, and delivered Pistoia into his hands. Castruccio immediately informs the emperor Louis of Bavaria of his new acquisition; and Louis sends to this great man, so faithful and ardent in his service, a commission to govern Pistoia as his imperial vicar. Florence makes war to recover the city; but are beaten by Castruccio, who receives the emperor afterwards in Pistoia, and is made by him duke both of Lucca and Pistoia, and soon after dies. If he had lived, the example would probably have here been complete; the continual altercations of the principal families having completely overturned the constitution, and introduced an absolute monarchy. But his death opened a door for still further contentions. M. Vinciguerra di Aftancallo Panciatich, prefect of the royal militia of France, and a general in the wars of Normandy, came into the service of the Florentines at this time, with the character of general, and rendered himself memorable to posterity, and most grateful to his family, by having built, in four years, his superb palace in Pistoia, in the parish of St. Matthew. The sons of the deceased Castruccio thought, by the favour of the Vergiolesi, Chiarenti, Tedici, and other powerful families in Pistoia, to get themselves acknowledged as sovereigns of that city; and to this end procured an armed force to take possession of the piazza and palace of the anziani: but the imperial vicar, with his 400 German guards, and by the favour of the Muli, Gualfreducci, and Panciatichi, families sufficiently powerful, gave battle to the sons of Castruccio, and drove them out of Pistoia, into the mountains of Lucca. The Florentines, taking advantage of the divisions and confusions in Pistoia, excited their people suddenly to war, and went and laid siege to Carmignano;

Panciatich.  
ca.

gnano; and after many fierce battles for fifteen days it surrendered, which made the Florentines, with the Guelph exiles, very insolent, ravaging the country, preventing the farmers from sowing their grounds, and threatening even the walls of Pistoia.

In this state of things, there arose in Pistoia two potent factions; one denominated from the house of Vergiolesi, and the other from that of Panciatichi. The Vergiolesians adhering to the government of the imperial vicar, by means of the fear of the 400 Germans who were in Pistoia, induced a good part of the people to refuse their consent to a peace with the Florentines and Guelphs. The Panciatichans, with their followers, not judging good and useful for the city the sentiment of the Vergiolesians, esteemed it more advantageous to make peace, than to maintain the country in subjection to the avidity of the Bavarian and his ministers. But the other party determined to interrupt the treaty, by exciting the city to an uproar, and by parading the streets with their Germans, by whom many of the people were assassinated. The people, finding themselves thus ill-treated, collecting together, fell upon these Germans: there followed a skirmish, so serious, that many were killed, many surrendered prisoners, and those who escaped were obliged to fly with their vicar to Lucca. In the mean time Ricciardo di Lazzaro Cancellieri, a Guelph exile from Pistoia, secretly assisted by the Florentines, and rendered powerful both by the money and the bravery of his Guelphs, understanding the disunion in Pistoia, marched into the mountains of Pistoia with great terror, to acquire possession of some confiscated castles of his party. This occasioned great disgust and alarm to all in the city, and occasioned Giovanni Pan-

Vergio-  
lesi.  
Panciatichi.



ciaticchi to go out with his faction to oppose him; who attacking his enemy with great spirit, prevented him from making himself the lord of that extensive country. The Panciatichi, then, the Muli, and the Gualfreducci, pushing the advantage they had gained, and suspecting some treason from the Vergiolesi, applying themselves at once to cut off all the means to such designs, with all diligence applied to the anziani to assemble the general council, by whom were banished and imprisoned out of Pistoia all the sons and relations of Castruccio, Philip Tedici, Charles his son, with all their families, and confiscated all their goods and estates; and to make sure of the imprisonment or the deaths of the Tedici, a reward was offered of five hundred florins of gold. This done, they made the peace with Florence, and four knights of the golden spur were made by the Florentines, two of the family of Panciatichi, one of the family of Muli, and one of the Gualfreducci, in gratitude for their important services; and both cities submitted to the church, and banished the emperor.

The common people about this time began to be weary of the cabals of the principal families, but were too ignorant to contrive any method to restrain them, but that which always renders them still more desperate and destructive to the community, an attempt to bring all upon a level.

The fashion at funerals had become so expensive, that every one exceeded his proper abilities in making a show; and the Pistoians, not without giving occasion for ridicule, attempted to regulate the expence upon such occasions, by decreeing a rigorous uniform for the use of all. At the same time, considering the blessings and advantages of uniform and clear laws, and that the people by the

the means of them are rendered tractable, and less haughty and audacious, they prepared certain statutes and provisions for the good government of their city. And as it appeared to them, that some of the principal families arrogated to themselves an undue share in the management of public affairs, and were disposed by force to oppress the popular men, they determined that all offences against the popular men should be severely punished, and that the next noble relation of any grandee should be obliged to pay any pecuniary mulct which should be inflicted, in case his estate was not sufficient to discharge it; and in case the delinquent was sentenced to a capital punishment, and escaped by any means from justice, his next relation among the grandees should pay a thousand pounds. Although nothing can be conceived more inconsistent with liberty, equity, or humanity, than these laws, yet the terror of them is said to have procured a momentary tranquillity; especially as certain companies of armed militia of the popular party were instituted in the four quarters of the city, to force them, arbitrary, oppressive, and cruel as they were, into execution. But this militia was not long able to controul the spirit of disorder, and it became necessary to provide a stronger bridle for unquiet and seditious spirits, and a new and most rigorous law must be made to beat down their arrogance and insolence. The plebeians at this time feeling themselves the true and real grandees, and at the highest summit of power, ordained by a law, that all those, of whatever condition they might be, who should give themselves up to an evil life, and give offence to the popular party, and disturb the quiet of the city or country, should be, as a punishment for their actions, denominated "grandees" (*grandi, e magnati*),

magnati), and excluded from the magistracies, and all management of public affairs, and be subjected to other punishments. It is true that the gentlemen had still some share in the government, because the plebeians, that they might not make too many enemies at once, did not seek to exclude from public offices all the nobles, but selected from the number divers houses of the most pacific, and the greatest lovers of justice, as it was pretended, and placed them among the popular men, to take away their power from the others, and secure it to themselves. No gentleman however of the popular party was permitted to make any ostentation of his nobility; so that if any one of the popular men was made a knight by any prince or republic, he was suddenly deprived of his office: whence many of the nobles, who wished to enjoy all the benefits of the popular men, were obliged, by a simulated respect to the plebeians, to lay aside their arms and surnames, to distinguish themselves from their peers recorded for grandees. Other nobles there were, who chose rather to be excluded from all public offices, and live exposed to the rigorous laws of the grandees, than to lay aside their arms or surnames, jealous of obscuring the ancient hereditary splendour of their ancestors. In this however they were deceived, for the principal popular men took care to preserve their distinction, by a law, "That if by a statute nobles were made populars, they do not lose by that their nobility:" and by another law, declaring many to be magnati, it is subjoined, "the rest we understand to be populars, although born of noble race and progeny." From this it was contended, that those were deceived who measured the antiquity and nobility of their own or other families by the  
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the rule of the enjoyment of the principal magistracies.

In 1332 several of the most powerful families, 1332.  
arrogating too much authority in public affairs, or, in other words, being found by the plebeians to have too much influence for them to be able to controul, such dissensions and disturbances arose, that it was thought necessary to declare them in the number of the *grandeos*; and accordingly it appears by the records, that the Cancellieri, Gualfreducci, Muli, Ughi, Panciatichi, Taviani, Ricciardi, Tedici, Sinibaldi, Zebertelli, Vergiolesi, Rossi, Lazzari, Forteguerra, Visconti, Foresi, and others, that is, all the principal families in the nation, were declared to be *magnati*, stigmatized with that odious appellation, and excluded from all share in public offices. In this year severe sumptuary laws against effeminate luxury were made by the council, the solemnities and expences of weddings were regulated, and the cloathing of men. Extravagant fashions in these things had tempted most people to exceed their revenues, had multiplied debtors, and rendered dubious and difficult the credit of merchants: certain wise citizens were authorized to prepare regulations of this kind; and they succeeded to make such wise laws, that frauds and abuses became less common. Yet the caprice and instability of this government appears very remarkable at this time; for although the Cancellieri were the year before recorded for *grandeos*, yet in 1333 Ricciardo Cancellieri was 1333.  
declared a knight by the council of the people of Pistoia, and was feasted at the public expence. When any one was made a knight by any sovereign, or any city, he became suddenly noble, although he had not been so by birth; for birth, at that time, was neither necessary to nobility nor to  
E 3                      knighthood.

knighthood. The ceremony of arming the knight was made with great solemnity, receiving the military girdle from the other knights\*.

1336. In 1336 the Pistoians lamented the death of their most beloved citizen Cino, their greatest lawyer and judge, the master of Bartolo and Petrarch.

1342. In 1342 Pistoia was obliged to capitulate with the duke of Athens, who held the government of it three years, and ruled it as tyrannically as he did Florence.

1344. In 1344 the government was recovered from the duke of Athens; and, to remedy the infinite tumults which were daily excited by the power of the families of the magnati, who by their riches and adherents made their authority and influence prevail, it was ordained, that in time of any rumour or uproar it should not be lawful for any popular man to enter the house of any grandee, and if by chance any one should be in such a house at such a time, he should immediately quit it, that he might not be under the temptation to assist the grandee, upon pain of the loss of all public offices, and confiscation of all his goods. And none of these powerful families, whom they branded with the name of grantees, could go into the service of any prince, city, or republic, if he had not first obtained the permission of the general council, on pain of being declared rebels: and that the families of the grantees might be known to all, the following description and declaration of them was made and published by authority; viz. "Omnes de domo Cancellariorum, omnes de domo Guafreducciorum, Tediciorum, Lazarorum, Viscontorum, Panciaticorum, Ugorum, Mulorum, Ta-

\* Fioravanti, p. 301.

vianorum, Sinibaldorum, Vergiolensium, Rubeorum, Ricciardorum;" which grandees, in time of any rumour or strife, may not go out of their houses, unless called by the captain gonfalonier and anziani.

The Pistoians, informed of the robberies, assassinations, and havock, which were daily committed by certain rebels in the superior mountains, and of the treasons plotting by those of Serravalle against the peace and quiet of the commons of Pistoia, they did not neglect to use the necessary expedition to chastise the insolence of the former, and to divert the malignity of the latter: against the former they sent out a body of soldiers, who put the rebels to flight, and pulled down their houses; against the latter they promulgated severe laws, with a promise of a thousand pounds reward to any one who would accuse an accomplice of treason.

1345.

To show the inefficacy of all such democratical despotism against the principal families in a community, as the declarations of grandeeism were, Frederick Cancellieri, surnamed for his great valour Barbarossa, had influence enough to obtain so great a distinction and so popular and honourable a post as the command of the troops, raised and paid by Pistoia, to go upon the expedition for the conquest of the Holy Land; Angiolo Cancellieri was made a bishop, and rose fast in the church; and Nicolo Cancellieri, as captain of the Florentines, acquired immortal glory by besieging in his own palace, and deposing from the government of Florence, Walter duke of Athens; and Marcello Cancellieri also made himself illustrious as a divine, and obtained the place of auditor of the tower at Rome.

1346.

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1349.



artizan, and the people in general, was taken up in war at home and abroad, and the fields were so often laid waste, that it was impossible to obtain a constant and certain supply of provisions for the people. The consequence of this was famine and the plague, two other evils in those days springing, with innumerable others, from their imperfect government. The plague and famine, which, in the course of the past year, had nearly deprived Pistoia of inhabitants, at length ceasing, and the few that remained were so grieved and astonished at such a calamity, that one would have thought their minds too much softened and humbled to engage again for some time in their nefarious tumults: but the few surviving citizens found as much disunion and animosity among them as ever. Fresh disorders arose, and there was no possibility of restraining the indignation and fury of the two families of Panciatica and Cancellieri, who, upon some dissatisfaction arising among them, fell into such quarrels, that, as each party had many adherents, many murders and much slaughter followed; and much greater would have ensued, if the people had not run together to separate the combatants, and compelled them to retire to their houses. To prevent the prevalence and increase of these disorders, the citizens called together the general council, by whom it was ordered that diligent inquiry should be made after the heads of the tumult, and a rigorous prosecution was commenced against Richard Cancelliero and Gio. Panciatichi, the heads of the two families; who, although they humbled themselves, and asked pardon for the error they had committed, and made an entire reconciliation with each other, were condemned in a fine of 500 pounds each, to be paid to the commons of Pistoia, and were obliged to ratify by  
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an oath, in full council, the peace they had made between them. But notwithstanding all this, neither of the families really laid aside their envy, jealousy, hatred, and malice against the other; for their principals having, rather from the fear of justice than a desire of tranquillity, made the peace between them, they applied themselves daily to provide arms and men, and finally proclaimed themselves openly to be mortal enemies to each other, and gave rise to the factions of the Panciatichi and Cancellieri, from whence arose such actions and events as brought a final ruin on themselves, their relations, their friends, and the city itself.

"I reflect, with astonishment and stupefaction," says Fioravanti, "that the Pistoians, abandoning, without cause or reason, their native sagacity, and becoming factionaries, should have fomented the passions of these two particular families; have contended for the vanity of pre-eminence, at an expence of so many crimes against the public peace; and have employed all their forces against the tranquillity of liberty in that city, celebrated through the whole world for men illustrious in arms, in letters, in sanctity, and wisdom; prudent in her laws and in her government to such a degree, that foreign republics had followed her example in their laws. Nevertheless, thus it was, for giving themselves up a prey to their griefs and afflictions, they deprived themselves of all repose, and making the passions of a few common to them all, lost their liberty and their government; blessings which till this time had been preserved not without the envy of their rival cities!" This writer needed not, however, have been so much surprised, if he had considered the nature of man, and compared it with the nature of a government in which all authority is collected into one centre. An attentive reader will

will be surprised at the boast of that tranquillity and liberty hitherto enjoyed ; and will be at a loss to find one moment in the whole history where there could have been any degree of either.

1350.

Arbitrary laws of exclusion and disqualification, and awkward attempts to expose to popular odium the principal families, made without the least modesty or equity by a popular majority, will never have weight enough with the people to answer the design of them. Those families will still retain an influence with the people, and have a party at their command, very nearly equal to that of the majority ; and being justly irritated and provoked at the injustice done them, will never want a disposition to attempt dangerous enterprises. The family of the Cancellieri, though stigmatized and disqualified as grandees, were still held in great esteem, among all ranks, for their riches and numerous adherents. Richard, the head of the family, stimulated by his own resentment and ambition, and no doubt excited by his partizans, had the presumption to entertain thoughts of making himself sovereign lord of his country. Courting the people to this end by his liberality, affability, and courtesy, he waited only for a favourable opportunity to acquire it. Having filled his house with a large number of persons, his countrymen and foreigners, he suddenly marched out with these and his relations to assault the piazza and the palace of the anziani : but being met by the captain of the families of the anziani, with his men, and with these many of the grandees, and a multitude of the little people, adherents of the Panciatichi, the Cancellieri were repulsed with great spirit, and perceiving their lives in great danger, they fled and shut themselves up in the house of the Bonducci their friends.



friends. Their factionaries, seeing themselves without an head, in disorder and defeated, fled in despair out of the city by the gate of St. Mark. The Panciatichi, having thus conquered Richard, proceeded with great violence to burn the houses of the Cancellieri. Richard was outrageous at the destruction of his houses and the flight of his followers: but being informed that they were waiting for him in the country, he scaled the walls in the night, went out to meet them, took the castle of Mariana, and there fortified himself. With the Cancellieri on their flank, and Gio. Visconti of Milan, and lord of Bologna and all Lombardy, in their neighbourhood, each with a party desirous of making them lords of Pistoia, the Pistoians were obliged to put themselves under the protection of Florence, upon certain conditions. Richard Cancellieri hearing of this, went to Florence, and with plausible reasons made it there believed that the Panciatichi held a secret correspondence with Visconti, to deliver Pistoia into his hands. The Florentines thought they might as well govern Pistoia themselves, and have it wholly at their devotion, and immediately gave Richard the command of horse and foot, to go and subdue it. The attack was made in the night, and would probably have succeeded, if the ensigns of Florence had not been imprudently displayed, which so enraged the Pistoians, that resolving to die rather than submit, they repulsed their invaders. The Florentines sent a formidable reinforcement; but the Pistoians defended themselves with intrepidity till they assembled their general council; and although Gio. Panciatichi was an infamous grandee, he was still the soul of the republic, and no other man had enough of the confidence of his fellow-citizens

citizens to be sent ambassador and entrusted with their salvation. He executed his commission, convinced the Florentines that they had been deceived by Cancellieri, and made an honourable peace; and in 1352 the Pistoians assisted Florence effectually in defending itself against the army of Visconti of Milan.

1353. In 1353 the attention of all parties was turned to peace, to put an end for once to all the troubles of Italy, and it was finally concluded between all the Guelph cities of Tuscany, viz. Florence, Siena, Pistoia, Perugia, Arezzo, city of Castello, and others, of one side, and Gio. Visconti on the other, with certain pacts and conditions; among which Visconti released freely into the hands of Pistoia the castles and fortresses of Piteccio, Torri, Trep-pio, Fossato, Montecelli, and Sambuca; and on all sides were released all the exiles. By virtue of which article were restored to Pistoia the families of the Ammanati, Tedici, Vergiolesi, Gualfreducci, and others, and all their property was restored to them.

1354. Richard Cancellieri, nevertheless, in 1354, being still obnoxious to the Panciatichi, did not cease to strengthen his party, by soliciting the friendship of those who might be useful to his views. To this end he formed an intimate friendship with the captain of the guards at Florence, of whom he expected to make an essential use in all occurrences. But the Panciatichi, jealous of this intimacy, complained of it bitterly to the Florentines, who, to please them, dismissed their officer, but at the same time exhorted the complainants to live quietly, and lay down their arms; for that at all events, and at any expence, as authors of the peace between the two families, they were determined to maintain it. At this time some disquiet arose between  
between

tween the different members of the Cancellieri family, one of whom, Pievano, joined the Panciatichi, and brought an accusation before the Florentines against Richard, that he meditated against them some great treason. A process was instituted, Richard was found innocent, and the accuser and the heads of the insurrection were severely punished, while Richard was honourably acquitted.

The emperor Charles the Fourth made a grant to the Pistoians to govern themselves by their own laws and laudable customs, in a free popular state, under the guidance of the anziani and gonfalonier of justice, whom he made perpetual vicars of the holy Roman empire. That this sketch may not be protracted to an immeasurable length, we may pass over the rebellions and wars between 1355 and 1376, when the dissatisfactions among the citizens of Pistoia were so increased, by the reform of officers in 1373, that tumults arose to such a height, that the Florentines, who desired nothing more than to become lords of Pistoia, or to see it destroyed, because it was rich, noble, and powerful, thought it a favourable opportunity to insinuate themselves with their meditated designs. Under the specious colour of peace and quiet, they annulled the late reform; and by new laws, under pretence of taking away the scandalous names of the two factions of the Panciatichi and Cancellieri, divided the offices into two orders, calling one the company of St. John, and the other the company of St. Paul; so that the moiety of the citizens, exclusively of the grandees, who could not enjoy before the benefit of the imbursement, were now imborfed in the purse of the company of St. John, and the other moiety in the purse of the company of St. Paul; and to obtain the supreme magistracy there were drawn four, one for the quarter of the purse

1355.

1376.



purse of St. John, and four, in the proportion of one for each quarter, for the purse of St. Paul; and the gonfalonier was to be drawn alternately, once from one purse, and another time from the other. And because the company of St. John was protected by the Cancellieri, it immediately followed that it declared itself of that faction; and that of St. Paul, protected by the Panciatichi, declared itself openly of the faction of Panciatichi: and in this manner, instead of extinguishing the fire, it increased to such a degree, that it spread not only in the city, but through all its territory; and Pistoia was reduced to a condition so deplorable, as to be obliged to abandon all domestic society and familiarity, every one being suspicious not only of his neighbours and relations, but of his bosom friends.

1383.

In 1383 all ranks of people exceeded their abilities in expences at funerals, and in other effeminate luxury: sumptuary laws were made against extravagant expences; but the historian confesses, that although he thought there was reason for them, yet, as he could not read them himself without laughing, he feared he should do no good by relating them.

The Pistoians having bestowed all their endeavours and studies to obtain a peace with Bologna, with whom they had long been at war on account of boundaries, now hoped to live happily; but they were again tormented with insurrections, attended with rapine, burnings, and murders innumerable.

1390.

The news arrived in Pistoia, in 1390, that John Galeazzo Visconti had sent against the Florentines an army of twenty thousand men, under the command of Jacopo de Verme. This war lasted several years, and was brought upon the city by its divisions.

The Pistoians had now been eight and thirty years in some sense dependent on Florence; for in 1350, after the great commotions, they had entered into a stipulation, by Richard Cancellieri their fellow-citizen, with the people of Florence, to keep for ever a purse of six popular Florentine citizens, from which should be drawn their captain of the people. In this year, 1398, for the sake of a more intimate connection and familiarity with the commons of Florence, it was farther stipulated, that for the future the podesta of Pistoia should be a Florentine.

1398.

1350.

Continual animosities had occasioned in the minds of the citizens such weariness, grief, and compunction, that it is impossible to read, without commiseration, their awkward attempts to reconcile themselves with one another, and to extirpate their civil discords, with which Pistoia was furiously agitated. The whole people, of every age, sex, and condition, were persuaded to go in procession through the city, clothed in white sacks, to ask mutually each others pardon, and to cry "*Misericordia e pace!*" (mercy and peace!) and there can be no doubt that a momentary benevolence, and many acts of Christian charity, must have been produced by a pilgrimage so solemn and affecting; but the defects in the constitution of their government were not amended by it, and the troubles of the people soon revived.

The jealousies of the Cancellieri and Panciatichi revived, and proceeded to such lengths, that in 1401 Richard Cancellieri, to revenge himself, began a secret treaty with Visconti duke of Milan, to deliver the city of Pistoia into his hands, that he might govern it with his absolute power, and exterminate the faction of the Panciatichi. The plot was discovered, and Richard and all his children

1401.

dren declared rebels, and their houses reduced to ashes. Richard in the country joined with other exiles, and burned the houses of the Panciatichi. The Pistoians were now alarmed with the danger, from the Visconti and Cancellieri in concert, that they were obliged to put themselves into the hands of the Florentines. The Cancellieri carried on the war however with so much spirit and success, that, although the duke of Milan died in 1402, Richard was able, in 1403, to obtain a peace, by which the state of Pistoia was obliged to restore his family to all their estates, and make good all their losses. The Panciatichi agreed to this, that the consent of all the leaders might be obtained to lay this burden on the people, by whom the damages done to the Panciatichi too were to be repaired.

1402.  
1403.

1420. In 1420 it was ordained, that in the new reform of magistrates and public offices, the families who had been stigmatized with the opprobrious name of grandees should be restored to the rights of citizens, and share in the management of public affairs. But these beginning, with their usual impertinence, to procure that every thing should be done as they would have it, and all offices disposed by their influence, quarrels and dissensions among the citizens arose, by which the whole city fell into the greatest agitation: whence it was necessary, for the maintenance of the public peace, to exclude them afresh from public affairs. These families were the Panciatichi, Rossi, Sinibaldi, Ughi, Taviani, Vergiolesi, Lazari, Cancellieri, Ricciardi, Visconti, Gualfreducci, and Tedici.

1439. The ladies indulged in great expences in the furniture of their houses, and in the superfluous ornaments of their persons and families. The general council thought it necessary to interpose, and prohibit



prohibit all clothes to be lined with foreign furs, or to be embroidered with pearls, gold, or silver, or other expensive and superfluous decorations; and because that all former laws for the same purpose had been found ineffectual, they were now renewed with most rigorous penalties.

In 1455 a civil war broke out in the territory of Pistoia, called Alliana, between the Cancellieri and Panciatichi, which spread into the city, and went to such furious lengths that the ladies themselves took arms, and fought with as much bravery as the gentlemen, to revenge the slaughter of their relations; and before this commotion was ended, the slaves, or what they call the vassals or villains, took arms. And no method to restore peace could be devised, till Florence was requested to send four commissaries, who compelled the Cancellieri and Panciatichi to take an oath to be peaceable, and who feasted the villains till they were quieted.

1455.

Insurrections, tumults, and civil wars, continued in 1476, and indeed, with very little intermission, till 1485.

1476.

In 1485 Baldinotto Baldinotti, foreseeing that Lorenzo de Medici might possibly arrive at the sovereignty of Pistoia, considering the great reputation, influence, and authority, which he enjoyed in that city, laid a plot to take him off. As a lover of the liberty of his country, he thought it just and honourable to go with his own son, and lie in wait in the way between Poggio and Cajano, by which he knew Lorenzo was to pass, in his journey to Pistoia, to the feast of St. James. But the confidants of Lorenzo having discovered the design, the conspirators were without delay apprehended, carried prisoners to Florence, and there punished with death.

Baldinotti.  
Lorenzo de Medici.

1488. Another civil war between the Cancellieri and Panciatichi, attended with its customary cruelty and devastation, occurred, and was not composed till the Florentines summoned four of each party, and compelled them to give security, that for the future no quarrels, murders, burnings, or robberies, should be committed in Pistoia. But this answered the end only in part, for the parties went out of the limits of the state, and there committed all sorts of cruelties on one another; and in 1490 the civil war was renewed in the city.
- 1490.
1494. On the death of the emperor Frederick the Third, Maximilian his son succeeded to the throne of the empire; but delaying his entry into Italy, gave occasion to Louis Sforza, tutor of the duke of Milan, to invite Charles the Eighth, king of France, to come to the conquest of Naples. Upon this occasion the Pistoians threw off their subjection to Florence, or rather broke off the connection. But this acquisition of liberty and independence had a short duration; for the Pistoians knew they could enjoy no tranquillity under their own government, and with their own parties: after two years negotiation, they agreed to a new convention in 1496.
- Sforza.
- 1496.
1497. The families of the grandees, or impertinents, as they were called, revived their pretensions to be admitted to the honours and public offices of the commonwealth: but as this was contrary to the popular will, and the passions and interest of their leaders, tumults ensued. The pretensions of these families were countenanced by the Florentines; but the popular men, in the plenitude of their power, opposed it with so much resolution, that nothing new was effected.
1498. Plague and famine raged in Pistoia to such a degree, that some were in hopes that the citizens would

would put an end to discord and sedition, and at least endeavour to enjoy peace; but the people, trampling under foot all laws, human and divine, began to renew, both in the city and the country, their oppositions and enmities, which proceeded to such feats of arms and mutual slaughter, that they were again obliged to have recourse to the Imperial vicars in Florence, to interpose and put an end to those strange accidents which threatened the total destruction of the country.

The dissensions of parties in the city and its territory being somewhat abated, the citizens began to flatter themselves with the hopes of quiet; but neglecting to provide a remedy against the emulations of private interest, in individuals and families, by separating the executive power from the legislative, rivalries arose, which produced such ruin, both to the country and the contending families, as has been deplored by all subsequent generations. The fact was, that by the death of Buonaccorsi, a director of an hospital of St. Gregory, it was necessary to proceed to the election of a successor. On the 10th of October, 1499, had been balloted for, and approved as suitable, by the general council, four subjects or persons, among whom one, who should be confirmed and approved by the bishop of Pistoia according to the law, should obtain the office. The council having discharged their duty in the nomination of the four, the ordinary proceeded to reject two of them, one after another, and left the competition undecided between Piero Terchio and Bernardo Nutini, each of whom endeavoured to interest his friends in his favour. Terchio was protected by the Panciatichi, and Nutini by the Cancellieri. The bishop was at Florence, whence it happened that Salimbene Panciatichi

1499.

chi caused to be confirmed, as director of the hospital, his friend Terchio, by the canonical Jacob Panciatichi, under colour of his being the apostolical legate; and sending to Florence for the approbation of the bishop, the good prelate promised to comply. The Cancellieri hearing of this, went also to Florence to supplicate the bishop not to approve the election; but the bishop, who was determined to keep his word, would not listen to them. Seeing that they could not move him from his promise, they applied themselves to obtain the solicitations of his friends and relations, with such assiduity and importunity, that the irresolute prelate was at last induced to comply with their request. The Panciatichi, understanding the strange resolution of the prelate, had recourse to the priori of the people and the gonfalonier of justice of their country, and obtained an order, that to Nutini, who had the smaller number of votes, the possession of the hospital should not be given, but to Terchio, who for good reasons ought to have it; and Terchio, accompanied by some of the Panciatichi, was placed in the government of the hospital. The Cancellieri, returning from Florence with the confirmation of the bishop in the person of Nutini, carried him to the hospital to give him possession, but found the place occupied; whereupon, returning to Florence, they carried their complaint to the rector; and, after much altercation between the parties, it was determined that the affair should be decided in a court of justice, and the cause committed to two lawyers. The judges determined that Nutini had been elected and canonically confirmed, and he was accordingly put into the office, against all that could be said or done by the Panciatichi, who, upon pain of being declared rebels, were obliged



to abandon the hospital, which they had held well guarded, and give way to the execution of the sentence. The Cancellieri were made insolent by their victory, and sometimes by their words, and sometimes by their actions, assumed an haughty superiority over the contrary party; who, finding themselves deceived, offended, and derided, not only by the Cancellieri but by the bishop, went about venting and propagating their passions among the people: whence it happened, that hostilities beginning between these two families, they never ceased till they ruined the city of Pistoia.

The Panciatichi could not cancel from their minds the many and enormous injuries they had received from the Cancellieri, and now meditated a cruel revenge. On the 5th of February, 1500, they unexpectedly assaulted, in the piazza, Baccino Nutini and others, and having mortally wounded Georgio Tonti, they ran hastily through the city, and murdered all the Cancellieri, excepting some who had taken refuge in the palace of the lords priors. The Cancellieri who survived were not at all intimidated, because, having many adherents, it was easy for them to stir up against the Panciatichi the plebeians, who, alert at their instigation, shewed themselves such fierce persecutors of the faction of the Panciatichi, that, appearing in arms, they all cried, "Vengeance! vengeance!" and in the tumult a multitude of the Panciatichi and their fautors were killed upon the spot; and the spirits became so exasperated, that both parties thought of nothing but making proselytes, and gaining followers. In May the Panciatichi assembled a great body of men, and seized the piazza, and more than half the city fortified themselves in the balconies, steeples, and towers, and devoted their whole time and attention to preparations for war.

1500.

The Cancellieri on their part, equally numerous in followers, fortified themselves in the other side of the city, and were assisted by such numbers of men, who came in from the mountains and plains in the country, that they composed a large army. In such a scene of turbulence, suspicions were so frequent and dangerous, that it became necessary for every man to declare himself: for both parties adopted the same maxim towards the moderate men and neutrals, "If you don't shew yourself our friend, we will shew ourselves your enemy." There was not a man, finally, who did not insert himself into all the injuries and insolence of a party; and frequent battles, sometimes in one street, and sometimes in another, both by night and by day, tormented the whole city, so that there was no time for the people to take any repose.

In this state of things arrived at Pistoia two commissaries, with five hundred men, sent by the Imperial vicars in Florence to put a check to the impetuosity of faction, who entered by the gate of Caldatica, and taking possession of the most important and advantageous posts, they gave orders to all to retreat and abandon their arms. These orders were scarcely promulgated, when there unexpectedly appeared a large body of armed men to the assistance of the Cancellieri, which by their adherents in Bologna had been sent; and, on the other side, a number of men from St. Marcello, and other neighbouring countries, to the succour of the Panciatichi: and neither party being willing to give way to the other, they began, in the face of the Florentine guards, to strike each other so cruelly, that the faster their forces increased, the more were multiplied their insults, arsons, murders, and slaughters. The commissaries seeing all things

things rushing to destruction, ordered the heads of both parties to appear at Florence, and that the soldiers, both foreign and domestic, should go out of the city upon pain of rebellion, and extending the same threat to all who should entertain them in their houses. The Panciatichi were disposed to obey; but the Cancellieri, who were favoured by one of the commissaries, proceeded in their insolence, and making a jest of the orders, would not move: whence those ministers, seeing themselves little respected, and less obeyed, returned to Florence. The soldiers were gone out of the city, and the heads of the factions seeing themselves deprived of their strength, they set themselves to collecting the plebeians to their side, and studious of slaughter, a great body of people stood ready to begin a new affray. As the death of Georgio Tonti had been displeasing to the Cancellieri, they could not forget it, nor conquer their desire of revenge; with this view they occupied, with all their people, the piazza della Sala, and leaving a number to guard it, went with the rest to the little square of the Trinity, to pull down the houses of the Collesi, and then one of the Panciatichi; then they laid siege to the palace of Gualtieri Panciatichi: running through the streets, they killed Francis Nutini, and plundered his house, with that of Gabriel Visconti, Bernard Collesi, Matthew Collesi, and setting fire to all of them, they ran to attack the house of Astorre Panciatichi, from whence those of its faction having fled, this house remained in the power of its enemies, who stripped and robbed it. They then burned the houses of the Conti, those of Francisco Thomas Balducci, and that of Gori, archdeacon of St. Zenone, and auditor of the bishop Pandolfini. After so many pillages, burnings, and demolitions, they re-

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turned to the piazza, and rifled all the shops and stores of the Panciatichi, with whom coming to a cruel conflict, a large number on both sides perished. At this instant a powerful reinforcement of men arrived to the Panciatichi, who without loss of time renewed the attack upon the Cancellieri, and both parties fought in the parish of Our Lady of the Lily, and in that of St. Michael, with such desperation, that a great number on both sides were killed and wounded, and if a great rain had not parted the combatants, it seemed as if the whole race would have been here exterminated. But upon this occasion a truce was concluded. The heads of these factions were now summoned to Florence: thirty of them went, and were suddenly thrown into prison. A rigorous prosecution, as it is called, was commenced against them. Some were acquitted without any conditions of peace or truce; others were punished by imprisonment; some by sequestration of their property, and some were banished. This decision extinguished no part of the flames of revenge; on the contrary, the rigour practised against some, and the lenity to others, gave rise to still greater insolence; and in the face of the Florentines themselves, and in their own city, some of the acquitted Cancellieri committed excesses as outrageous as the former. Introduced by their friends, the malignants in Florence, secretly, at the shutting of the gates, set themselves to search for Andrew and Salimbe Panciatichi, to assassinate them; and favoured by the obscurity of a foggy air, after two o'clock at night, they found it easy to put Salimbe to death, though Andrew had the good fortune to escape, by hiding himself in a joiner's shop. For this atrocious delinquency the faction was banished; but having returned, and reinstated themselves

themselves in Pistoia, in defiance of justice, the factionaries soon came to another rupture: they confounded all things in such a manner, that there no longer remained any who dreaded any justice, divine or human; but scattering through the plains and mountains their execrable factions, nothing was heard of but quarrels, treasons, conflagrations, and murders. The two factions were at length weary of such inconveniences and fatigues, and, to prepare themselves to combat with fresh breath, they made for a short time, and with common consent, a truce, each party providing themselves with arms, men, and provisions; and the Panciatichi, desirous of overcoming their enemies by any means, invented several new instruments and machines of war, and fortifying themselves with these, thought themselves invincible.

The Cancellieri fortified themselves, as well as the Panciatichi, with forts and bastions of timber, and machines of war, standing well upon their guard in their posts. The Panciatichi, no longer able to contain themselves, put in order all their people, made Palamidessa Panciatichi, and Bartolomeo Collese, their leaders, and arranged all their posts, officers, and soldiers. But while they were occupied in these dispositions, they unexpectedly found the opposite faction ready to meet them: the battle was fought, and the Cancellieri obtained a bloody victory, because the Panciatichi were abandoned by a large body of Lombards, whom they had hired for their defence. They did not, however, lose their courage, but re-assembling their partisans, and rallying their soldiers, they appeared again in a short time, with greater numbers and ferocity than ever; and the engagement being renewed, for the short time that it lasted was so terrible and fatiguing, that both parties were

were so exhausted and weakened, that they were constrained to retire with their wounded men to their posts. The Cancellieri having taken some repose, and, considering that they had the protection, or at least the countenance, of the new Florentine commissaries, by whose advice their associates had been restored to Pistoia, instead of being banished for the murder of Salimbe Panciatichi in Florence, they assumed fresh courage to attempt every means for the destruction of the Panciatichi. On the 9th of August they scoured all the streets and squares of the city, and wherever they found a Panciatichi they murdered him. They put to death also Bernardino Gai, and mortally wounded the Comte di Rigolo Bisconti; but many thinking it their duty to vindicate the Panciatichi, they fell with such impetuosity upon the rear of the Cancellieri, as obliged them to retire. In this state of things the Florentine commissaries cited to appear before them ten persons of each party; who, though they made their appearance, were detained in the palace of justice, and exhorted to peace, or at least to a temporary truce, would not accept of any of these proposals; and therefore the commissaries, not knowing what to do with them, dismissed them. Animated rather than terrified by this weakness of authority and the judicial power, they demanded all their followers confined in various places, and providing themselves again with arms and assistants, renewed the war. Such was the ardour, violence, and force of the Cancellieri and their party, that they excited great terror, not only in the country parts, but in all the city. Not content to have taken possession of all the councils, and assembled them to govern as they pleased, and rendered their people disobedient to all law, but they also sent them, with the  
utmost



utmost licence, through the country, to ravage, plunder, and burn the villages and habitations. The men of prudence and reflection seeing so many precipices and so much ruin, and foreseeing more, exerted themselves to obtain an election of eight citizens, to whom were given the whole authority of the general council, or, in other words, were made dictators, that they might find a remedy for so great confusions, and do whatever should be necessary or convenient for restoring the public tranquillity. On this opportunity the clergy were aroused, and with uncommon zeal exhorted the people in private conversation, and fulminated from the pulpit against all this ungodliness and unrighteousness of men; but all this apostolical benevolence, added to the unlimited power of the eight dictators, were insufficient: men's ears were deaf, and their eyes blind, to every thing but the malignity of their own passions, and every one continued to do whatever seemed right in his own eyes. They recalled into Pistoia all the banished men, with numerous troops of their adherents: these filling the city with bad men, and bringing fresh force and vigour to the respective parties, they prepared to commit new excesses. The Panciatichi, finding themselves at liberty, and loosened from all restraint, went, on the 13th of August, unexpectedly, to batter down the houses of William Fioravanti, those of Jacob Peri, those of Antonio Popoleschi, and many others, upon which occasion many were wounded, and Francis Panciatichi, and John Astesi, with many others of inferior condition, were killed. On the 15th of August they went to batter down the house of Biagio Odaldi, but these making a resolute resistance, many were wounded, and the rest obliged to retreat: but returning the next day, with

with a reinforcement of people under the influence of the family of Brunozzi, they laboured to such purpose, that partly with force, and partly with fire, they took possession of the house. They went next to the palaces of the Neri and Fioravanti, and finding no resistance, they took them, and filled them with their men. They assaulted too the houses of the Colate, Salincerni, and Curradi, and not being able to take them, set fire to them, and burnt five warehouses of the Ambragi: they entered into the houses of the Gatteschi, but there they were obliged to fight a long time, and the engagements became general, so that it was impossible to ascertain the number of the killed and wounded of the two factions, but there was not a street in the city which was not incumbered with dead bodies, and polluted with human blood.

Intelligence of the strength of the Panciatichi had been communicated by the Cancellieri to their friends, who, on the morning of the 17th of August, with an hundred cavalry and two hundred infantry, appeared suddenly at the houses of the Collesi, by whom so brave a defence was made, that they were repulsed; but after taking a short repose, returned to the assault, took the house, plundered it, and left it on fire. They went next to the houses of Antonio Ambrogi, to the two houses of the Cioci, to that of Vincenzo Mati, and burned them, with many others, and retook those which had been hitherto occupied by the Panciatichi, who finding themselves obliged to abandon the houses of Andrea Fioravanti, and Antonio Popoleschi, consigned them, in a fit of despair, to the flames. But while the party of the Cancellieri were attentive to the mischief they were doing, they were attacked, in two places at once, by the Panciatichi; and scarcely was the action begun, when,

when, perceiving their disadvantage, they retreated behind the church of St. Anthony, and set fire to the house of Niccolas Godemini: from thence they went to the Old Gate, and attacked the houses of the Bracciatini in the piazza, where, meeting with a bold resistance, they went with great solicitude to find the commissaries, and demanded of them the possession of the hospital del Ceppo, which was then governed by one of the Panciatichi, otherwise they would have set fire to it. The Panciatichi had already two hundred countrymen of the Plain, under the command of Michelino Jozzeli, and that of Lisca, who, posted for the guard of the hospital, were determined to perish rather than abandon it. The commissaries seeing so many people assisting the Panciatichi, would not openly espouse the request and attempt of the Cancellieri, but pacifying them with soothing words, they gave orders to M. Criaco, the captain, who, in behalf of the Florentine Imperial vicars, with 500 soldiers guarded the piazza, that in their name he should take possession of the hospital, under the pretence of preserving it from so much fury. The captain, with one hundred of his soldiers, marched to the hospital, and employed all his art to obtain possession of it, but was answered by the Panciatichi, that they would not go out of the place alive. Upon this the commissaries in person went to the hospital, and acknowledging that it must require great feats of arms to take it, gave good words to the Panciatichi, who delivered up to them the hospital, which was, however, unexpectedly pillaged by the Cancellieri, but left, by the orders of the commissaries, in the power of the supreme magistrate of the city, by whom possession being taken, regulations were  
made

made for the good government of it, and the administration given to four prudent citizens.

A little afterwards the commissaries and the bishop undertook to persuade the party of the Panciatichi not only not to insist upon the direction of the hospital, but also to absent themselves some time from the city, and in that manner to remove the cause of so many disorders, and endless evils which threatened to succeed. These orders, or this recommendation, were given to Bastiano and Vincenzo Bracciolini, of that faction, who held immediately a conference with Andrew and Antonio Panciatichi, their leaders, who thought fit to obey, first demanding security for their houses and other property, which was promised them by the commissaries. They made haste to communicate these particulars to all their factionaries, who, adhering to the opinions of their principals, collected together all their property of value, and carried it towards the church of St. Paul, and there filled up the whole street which leads to the gate *Caldatica*, and stood well upon their guard. The Cancellieri were in the contiguous street, with four hundred soldiers from *Bologna*; and fearing to risque a battle, the Panciatichi marched out of *Pistoia* without receiving injury or insult from the inhabitants, followed by the *Collesi*, *Rossi*, *Franchini*, *Forteguerri*, *Fabroni*, *Bisconti*, *Bracciolini*, *Brunozzi*, and many others of equal rank and condition. The gates were instantly shut, and the walls lined with men by the Cancellieri, who insulted and ridiculed, from that eminence, the retreating faction, with impunity and without danger.

The Cancellieri remained in *Pistoia*, and it is not possible to relate the abominable iniquities and cruelties committed by them in the height of their



their triumph, insolence, and power: ranging the whole city without controul, they attended no other business or amusement but to ruin, burn, plunder, and ravish, whatever of the Panciatichi they could find, and he who could commit the most atrocious deeds was the most esteemed, admired, and applauded. In this manner was the public faith, and the solemn promise made to the Panciatichi, fulfilled and performed! To the principal palace of the Panciatichi they set fire; the houses of the Brunozzi, Collesi, and many others contiguous to them, were dismantled: the beautiful habitations of John, Oliver, and Virgil Panciatichi, with many other places and houses filled with grain, corn, wine, oil, and timber, were burned; and all the summer-houses, shops, and stores, and every other building which belonged to the Panciatichi; in one of which was found in bed the Count di Rigolo Bisconti, ill of the wounds he had received in some of the late engagements: the count was, without ceremony, thrown out of the window into the street, not by a common rabble, but by Ceccone Beccano and Gio. Taviani, men of distinction and consequence. They afterwards made search in all the steeples and towers, as well as through all the churches, for refugees of the other faction, and wherever they found any they drove them out, robbed them, and sent them to their houses; and so enormous was the evil committed by the Cancellieri factionaries, that by the end of the 20th of August they had burned more than two hundred houses and stores, and all of the principal fort, contrary to the promises and solemn faith to the Panciatichi by the commissaries; and thus a beautiful and charming city was become a receptacle of assassins, of robbers,

bers, of murderers, and labourers in every evil work.

While the faction of the Cancellieri thus tyrannically domineered in Pistoia, that of the Panciatichi would have done the same if they had been in the city, equally without controul. In their state of banishment, they still meditated the oppression and destruction of their rivals, and to this purpose collected men, and fortified themselves on the plains in the country. Not being able to obtain the countenance and assistance of the Florentines, but rather being threatened by them with their displeasure and chastisement, they set themselves, with all their forces, to ill treat the country with their robberies, arsons, homicides, and imprisonments, in such a manner, that making frequent excursions into the mountains, they soon reduced all the territory of the Pistorians to a miserable and deplorable state. At the same time the Cancellieri, no longer knowing what to steal, or whom to rob, proceeded in inventing new insults for the Panciatichi, or those whom they suspected to favour that party, who remained in Pistoia. As the city was full of malicious people, who could not contain themselves, they went frequently out of the gates, and stole cattle and other property from the Panciatichi in the country, till all the Panciatichi, who were near the bounds of the city, were obliged to retreat into the plain, and unite with their associates: here they began to think of checking the power of their enemies; and all being eager to return to their houses, they thought it a duty to restrain by force the arrogance of their adversaries, and reduce them, once for all, to subjection. To this purpose they erected a strong bastion near the bridge

bridge à Bonelle, and another in the neighbourhood of the bridge alla Pergola, and fortified themselves at St. Angiolo, at St. Bastiano, at the great houses of the Forteguerri, at Zenuta, at Magia, at St. Nuovo, at Tizzana, and made other fortifications, with preparations of munitions of arms, provisions, and men, from the mountains and from Lucca, who came to lend them assistance; and by these means held in subjection all the country, and in terror all the contrary faction. The Cancellieri seeing the preparations made by the Panciatichi, and apprehending some unexpected assault, made, without delay, preparations necessary to remove these factionaries effectually from the country. Collecting together a body of 4000 men, of their own and the Bolognese, they went out to attack, at the same time, the two bastions near the bridges. The Panciatichi were astonished and panic-struck at the sight of so many men, and giving themselves up most shamefully to flight, the assailants, in less than one hour, had complete possession of both bridges, and dismantled both the bastions. Proceeding to St. Angiolo, which was guarded by Bartolemeo Collefi, an intrepid officer, and experienced in arms, they fought a most bloody battle, in which Collefi himself was killed under his horse; for this brave commander falling from his horse, was assassinated, and his head, severed from his body, was fixed on the bow of a saddle, and carried to Pistoia, there to be exposed to mockery and insult: at the sound of the trumpets it was placed upon the architrave of the well of the great market, that the people might demonstrate their joy and triumph over it, and there it was kept three days. This inhuman exultation was the beginning of ill fortune to the Cancellieri:

the indignation of the Panciatichi was excited by the scoffs and taunts offered to their Collefi, and by the shameful repulse in the assault of an enemy's bastion near the river Brana. At this action the Cancellieri were so confident, that they cried out, "Victory!" and returned without order through the streets, with a great booty, to Pistoia. The Panciatichi made a commander of Meo Gori, of a very numerous family in Terruccia, proud and terrible, but fortunate, who, with four of his brothers, and other relations, who in all were about an hundred persons, in the rear of those who thought themselves victorious, followed them to the grove of elms, and retaking the plunder, routed the party. Many were slain, more made prisoners, and the rest, scattered in various places, returned late and in disorder to Pistoia. The Panciatichi having obtained so signal a victory, they proceeded, under their glorious captain Franco, to Tizzana and Magia, and there summoned to arms all the people of the party, and stood night and day in good order and well guarded. The Cancellieri, seeing the increasing force of the Panciatichi, despaired of dispossessing them of the plain, and therefore employed all their craft to effect a separation between the Panciatichi in the country, and the Panciatichi in the city, in order to weaken the faction: in the course of two months they accomplished their design, and a truce was concluded between the Panciatichi in the country and the Cancellieri in the country, which occasioned great feasts and rejoicings in Pistoia. This truce, however, had but a short duration; parties began again to rage, and mutual slaughters were renewed; and although the Florentines knew that the territory of the Pistoians was no longer practicable, on account of the con-

tinual



tinual murders and assassinations committed in it by night and by day, yet they would not, or knew not how to put their hands to any effectual remedy: and although they ordered into confinement for three years, upon pain of rebellion for returning to Pistoia, all the families of Bisconti, Panciatichi, Collisi (except Bernardo), Fabbroni, Brunozzi, Roffi, Forteguerri, Bracciolini, Cioci, and Gherardi, and many others, specified to the number of two hundred, yet it was not possible that this banishment should have any effect; because that many Florentines, their friends, besides favouring and assisting them with money and other effects, obstructed the execution of it, which was the principal cause that the Panciatichi consolidated themselves on the plain, with the firm resolution not to depart from it. The Panciatichi, nevertheless, were not a little anxious, when they knew that the commons of Florence were against them; and the Cancellieri were not less disturbed with fears when they saw their enemies in possession of the dominion of the country; so that they were obliged to consider themselves as besieged in Pistoia, rather than as lords of it: wherefore, reflecting that there was no blessing more necessary than peace, it was determined by the general council, that they ought to have recourse to the Most High in holiness and good works, and to this end orders were given to the labourers of St. James the apostle, that adequate alms should be given to all the religious orders, that they might by their prayers supplicate Heaven to send peace and union among the citizens. All this was very commendable and proper; but to depend upon these prayers alone, without changing their constitution, was as irrational and presumptuous, as for the crew of a

sinking ship to pray for preservation, without working the pumps or stopping the leaks.

1501.

Accordingly, in 1501, they were found to have been inefficacious; for the execrable factions, in a still greater effervescence of cruelty, made use of every cunning stratagem, and attempted every means, to destroy themselves and their country. The Cancellieri, dreading that the Panciatichi might return to Pistoia, determined not only to hold them at a distance from the city, but to chase them, with all the force they could possibly assemble, quite out of the country; and to this purpose, having taken into their pay three thousand foot, drawn from the country, the mountains, from Valdinievole, from Prato, and other places, and fifty cavalry, early in the morning of the 5th of February they sallied out with these forces, well armed, from the gate Caldatica, and went, one thousand men towards Montemagno, and two thousand towards St. Angiolo. These last arrived at St. Angiolo, entered the church, spoiled it of every thing valuable, and set it on fire; and because thirty of the Panciatichi, who were posted as guards in the steeple, knew it was impossible in any manner to defend it, they gave the signal of their being besieged by a flag, as had been previously concerted with their friends in the neighbourhood. Suddenly three hundred Panciatichi, compacted together in the form of a squadron, under the command of their captain, Franco Gori, using every artifice to avoid being discovered by the enemy, threw themselves by surprise into the middle of the Cancellieri, and in a short time broke and defeated to the number of two thousand persons. This victory was so advantageous to the Panciatichi, that three of them only were wounded, and one killed, while the Cancellieri lost

more

more than three hundred and fifty killed, and a proportionable number wounded, and many were made prisoners; and those few who escaped, threw down their arms, and in small numbers and great disorder fled towards Pistoia. This splendid victory, with the acquisition of a great booty, obtained by the Panciatichi, animated them not to shrink from any inconvenience or fatigue to prosecute the abasement of their enemies: wherefore, without loss of time, taking, to deceive their antagonists, a pair of colours which had been seized in the last battle, they paraded with this on their march, and went to attack the other Cancellieri, who, at Santo Nuvo, had besieged their associates, the Panciatichi who guarded it; but the Cancellieri, advertised of the artifice by means of a lady, fled with the enemy, almost shoulder to shoulder, and coasting along by the cliffs of Casale, took the road towards Collina Fontana, and routed, disbanded, and covered over with mire, arrived at Pistoia. This retreat took up the whole night. This flight of the Cancellieri occasioned no small damage to the innocent Panciatichi who had remained in security in Pistoia; because, returned as were the fugitive Cancellieri to their country, they had no other thoughts than to revenge themselves wherever they could, by scouring the city, with their arms in their hands, and falling upon those unhappy people: they assassinated in the piazza a country gentleman, and Felice di Mareo, who were of the Panciatick faction, and the others, wounded and beaten, by flying into the fortresses and palace of the rectors, escaped their fury, and saved their lives.

The Panciatichi upon the plain in the country, having been informed of the treachery committed

upon their companions in Pistoia by the Cancellieri, conceived against that faction an indignation beyond all credibility greater than ordinary; so that, after a little repose from the fatigues lately suffered, they prepared to persecute their enemies with greater ferocity. Hearing that some of them had built a strong bastion on the common at Casale, from which fortification they daily made inroads among the inhabitants, and committed much mischief, they went, on the 24th of March, and took the bastion, the Cancellieri who guarded it shamefully flying. Others of the Cancellieri, in Casale itself, taking post in the church and in the balcony, after a sharp conflict were overcome by Michelino Jozzelli and Charles Nicolai, many of them cut to pieces, many others wounded, and the rest pursued over the mountains, where they left their arms, and fled with precipitation: others, in the meadows of Vignole and of Agliana, were pillaged and totally dispersed: others, at the bridge of Bonelle, suffered a perfect defeat, in which many were assassinated, and the rest fled in disorder. The Panciatichi seeing their affairs succeed so happily, prepared themselves for greater enterprises, and calling together all their people, they went against the castle of Momigno, took it, and set it on fire. They then took Vinacciano, and burnt all the houses of the Cancellieri; and the houses of the Panciatichi having been a little before burnt by the Cancellieri, this place by the last conflagration became entirely desolate and destroyed. Nor was the damage less that was done at Montegastoli, the country of Fontana, Collina, and Gabbiano. The Panciatichi then fortified themselves at Montebuono, and did infinite damage from thence to the party of the Cancellieri, who taking Giaccherino, built by the families



families of the Panciatichi, made a stand against their enemies, and there followed in this neighbourhood burnings of houses and murders of people. At length the two factions descended towards the long bridge, and came to battle, which was continued for some time with obstinacy; but the Cancellieri having the worst of it, at last fled.

The few good and wise men who remained, considering the miseries and destruction which resulted to the city of Pistoia and its territory from the two unbridled factions, exerted themselves to assemble the general council, by whom were elected two citizens, to see that all malefactors should be chastised and punished. But a provision of this sort could never be sufficient to intimidate a number of factionaries so powerful: it accordingly only animated them to greater fury; for the persons elected being poorly attended, and provided with little power or force, how could they be able to restrain a desperate people, who required extraordinary rigour, and much greater energy, to render them quiet, pacific, and obedient? This was so well known to those ungovernable people, that it rendered them more fierce, proud, and insatiable of revenge, so that the Cancellieri, seeing themselves overcome in battle, determined to accumulate a great quantity of money, in order to provide men to conquer the force of their enemies. To this end they burthened the city of Pistoia with the payment of twenty thousand ducats of gold; they sold the effects of St. James, to the amount of four thousand crowns; they pawned, for eighteen thousand crowns more, at Bologna, the chalices of gold of the chapel of St. James, which weighed twenty-two pounds; they sold two golden angels, a fathom and an half

in height, and a pair of candlesticks which were worth five hundred crowns; they took a most beautiful bason, and an ewer of silver, of the value of four hundred crowns: moreover, they coined into money other silver basons, and an image of the Virgin, and another of St. John, of pure silver, which were of St. Zeno, and all the dishes and basons of silver which were in the palace of the supreme magistrate; they took from the Monte di Pietà six thousand ducats, and one thousand five hundred from the House of Wisdom, and made up a sum of forty thousand crowns. In the age and country where these things were done, this robbery of churches, of saints, and angels, this plunder of holy relicks, was sacrilege and impiety of the deepest dye, enough to have shocked and revolted the whole city in any other circumstances; but the spirit of party made it all lawful to the Cancellieri and their followers, who made Mancino of Bologna their captain, one of the bravest soldiers of those times, hired fifteen hundred foreigners, of infantry and cavalry, and called in all their friends from the mountains and country, so that Pistoia was so full of soldiers, that all the houses could scarcely hold them.

In the mean time the party Panciatichi neglected not to procure all the advantages in their power; and animated by one Pazzaglio, of Seravalle, they attempted to take that castle, and by means of that traitor succeeded, fortified themselves in the post which guarded Valdinievole, and in the steeples of the churches of St. Stephen and St. Michael; and being in want of provisions, made excursions to the adjacent country, reaped the grain, pillaged cattle, and sometimes burnt houses and killed inhabitants, till they reduced the place to a most miserable and deplorable state. The parties

parties having in this manner provided themselves with men, arms, and provisions, the Cancellieri were anxious to undertake some enterprize with that body of men, which they had hitherto kept in pay at so great an expence, and with so little effect. After a consultation, part remained as a guard in the city, and part went out to the mountains. Six hundred infantry and fifty cavalry went out, well armed and in good order, and attempted an assault, in two divisions, upon Brandeglio and Castellaccio, but were discouraged by a brave defence. They advanced towards Cireglio, and making a fierce attack, they easily carried it, plundered it of all that was valuable, and destroyed the rest by fire. They then went to the church, which, with its steeples, was full of people and of property: they laid siege to it in such a manner, that those who guarded it despaired of defending it; but, encouraged by the women who had taken refuge there, who, like generous amazons, took arms, repulsed the enemy, and having placed in security the goods, regained in a short time those places which by the men had been abandoned. The Cancellieri, covered with blushes and disgrace, returned to their main body, and advised their companions to return to Pistoia: but when they began their march, they were so persecuted by the Panciatichi, that the killed and wounded exceeded by far those who in confusion returned to the city. Then it was that the Panciatichi hastened to Berrignano, Borghetto, and Piazza, and burnt all the houses of the Cancellieri: and such were the damages done that day by the factionaries, that more than one hundred and fifty houses of both parties were burnt down.

Those of the party Panciatichi, who had entered into the castle of Serravalle, thinking themselves

in security, stood negligently on their guard in that post; intelligence of which being sent to the contrary party, they sent, with great haste, six hundred soldiers upon an enterprize against it. Two hundred surrounded it, and the four hundred others, introduced into some places about the castle, began to rush without controul into all the apartments, so that the Panciatichi, taken by surprise, retired into some other forts in the neighbourhood. Early in the morning the Cancellieri approached the steeple of St. Michael, and took it by a vigorous assault. They battered afterwards that of the church of St. Stephen; but perceiving that it was not to be carried without some delay, they set fire to the church, from whence the flames ascending to the balcony, soon burnt those who held it. They intended, moreover, to have attempted the acquisition of the fortress, in which the greater part of the Panciatichi were shut up; but a reinforcement of five hundred infantry, and one hundred cavalry, arriving to those in the fort, and reinforced farther with three hundred men from the mountains, and two hundred from Lucca, conducted by Michael Jozzelli, who had taken the most important posts without the walls, the castle was besieged in such a formidable manner, that the Cancellieri lost all hopes of expelling the contrary faction from that place. The Cancellieri in Pistoia, however, hearing the situation of their companions in the castle of Serravalle, sent, at the approach of evening, three hundred infantry and fifty cavalry, with plenty of provisions, to reinforce and refresh them; but scarcely had these soldiers met the others at the foot of the mountain, when, repulsed and pursued by the Panciatichi as far as the long bridge, they were obliged to submit to the loss of twenty persons, many arms, and all their



their provisions. In the mean time came to the assistance of the Panciatichi, Martino Ciuti with two hundred men, and the captain Franco Gori with three hundred, and many others, who uniting with those already there, amounted to three thousand, who attacked that castle on the side of the fort in which the companies had taken refuge; but seeing all their attempts were rendered vain, one hundred of the most alert approached to the gate with such impetuosity, that they made a breach, and let four hundred men into the castle, who attacking the Cancellieri in the rear, in less than an hour killed more than three hundred, and made more than one hundred prisoners, and permitting the foreigners to escape by a shameful flight, gained a large booty of goods, money, arms, and horses. The Panciatichi having obtained this noble victory, the citizens of that faction began to think of endeavouring to return to Pistoia; but were dissuaded by the Panciatichi who were inhabitants of the country, and would not consent. They went therefore all together to their usual posts upon the plain, with their prisoners and rich plunder. If they had attempted to return to Pistoia, they would not have been opposed, for the factionaries in the city were so impoverished and discouraged, that many had gone out of the place; and although the bells of the people were rung that day, not one person appeared in the piazza.

There succeeded many more affrays and slaughters, burnings and depredations, to relate all of which in detail would be endless. Great were the damages done the same day by the Panciatichi in Alliana; but by the treacherous misconduct of their captain, Martino Francesco, they were disgracefully repulsed, had many killed and many wounded; and, what was more to be dreaded, the  
Cancellieri

Cancellieri carried thirteen of their heads in triumph to Pistoia, and by that means revived the courage of their companions, almost sunk in terror and despair. Great was the slaughter of their enemies, and numerous the burnings of houses committed by the Panciatichi of Montagnana, the 7th of July, at Momigno. The 10th of July the Panciatichi of Brandeglio collected a large number of men from the plain and the mountains, and burnt all the houses of the Cancellieri which were at Sartornapa, at St. Felice, and there plundered all the property and all the cattle. The 20th of July the Cancellieri burnt in Pistoia eight houses and six stores of the Bracciolini, and set fire to three houses of M. Gio. di Franco, and demolished the house of Francisco Collesi, near to St. Prospero. The 28th of July the Cancellieri went to Montebuono, a town of the Panciatichi, took it by stratagem, and burnt it, after having made twelve prisoners; whom they conducted to Pistoia, led into the hall of an house inhabited by Giuliano Dragucci, where they strangled them, and threw them out of the window. This, which they called justice, they compelled to be executed by the hands of a priest who was in the number of the prisoners, and then they put the priest to death in the same manner. Much destruction was made by fire, on the 30th of July, in the commons belonging to the houses of the bishop, and in other places, by the Panciatichi; but no less were the evils committed the same day by fire by the Cancellieri in the commons of Bonelle: and in so many other places were such excesses committed by the two factions, that they had reduced Pistoia to be the most unhappy among all the miserable cities of Italy; its whole territory was one scene of burnings, murders, and captivity of men, and the

the citizens themselves were become the fable and the scorn of the whole world. The Florentines, who, as Imperial vicars, had some pretensions to interfere in the government of Pistoia, derived from the emperor Robert, had neglected, till they reproached themselves, to attempt any salutary remedy to so many evils. In the beginning of August the Cancellieri, the faction which had now the dominion in Pistoia, considering that the Panciatichi were masters of the country, and were well furnished with provisions, while the city was in danger of famine, assembled in the public palace to deliberate; and they concluded it would be for the advantage of their country, and of both parties, to make peace with the Panciatichi. This resolution was soon communicated to the Panciatichi, who suddenly consented to treat. At this time the Florentines offered their mediation, proposed articles, and sent troops to keep order, &c. The particulars of this negotiation were curious enough, but this essay is already too long. The wisest and most prudent men in the city held secret communications, sometimes with one party, sometimes with the other, and then with the Florentines, till at last they prevailed to have a general council called. This consisted wholly of Cancellieri, for the Panciatichi were still in the country, and consequently the demands of the latter were thought too considerable. Such controversies arose, even among the Cancellieri, that it was feared nothing would ever be concluded. Some juggling monkish trick at last succeeded: a dove, white and black (*bianca & neri*), after the similitude of the arms of the Panciatichi family, flew down upon the seat of the supreme magistrate, and gave manifest signs that the Most High was in favour of peace; the hard hearts of the Cancellieri relented,

lented, and peace was made. The great affair of the appointment of a director of the hospital was settled, by giving each party alternately the appointment. The Panciatichi were restored to the city; all crimes and atrocities were pardoned, and to be forgotten. Eight citizens were to reform the government in such a manner, that the gonfalonier, and all the other officers, should be equally drawn from each faction; and the families inlisted under the Panciatichi on one side, and under the Cancellieri on the other, were all named and recorded.

1502. — Rumours and tumults were ceased; the two factions enjoyed in Pistoia a tranquillity that they believed would be lasting; but the habits of discord were not eradicated, passions were not extinguished, and the parties were not balanced. Accordingly, in 1502, the symptoms were discovered of an hidden gangrene: the Cancellieri pretended to have been, by the general council, exempted from accounting for what they had taken from the commons and from pious places; and the Panciatichi demanded to be refunded in part, if not in the whole, of the damages done by fire to their houses; but as the general council, and the other offices of the city, were composed of an equal number of subjects of the two factions, one party refused to approve of the petition of the other. This exasperated their minds to such a degree, that the usual factions arose, and proceeded to blows and to arms. They were separated soon by the Florentine troops of cavalry and infantry, who were posted as guards in Pistoia, and obliged, without discharging their hatred, indignation, and rancour, to return to their houses: there they prepared to give a fresh scope to their passions; and the Cancellieri, as the most powerful, causing to be



be taken out of the hands of the Panciatichi the fortresses they held, began anew to prepare for driving them altogether out of the state of Pistoia. The Panciatichi, penetrating the designs of the Cancellieri, did not delay to provide men, and each party, introducing men in the night, stood in hourly expectation of a favourable opportunity. On the 24th of February the Cancellieri, in three divisions, fortified themselves, with 300 men at the gate of Guidi, with 250 on the hill in the street of St. John, and with 250 in the street near St. Dominick. A party of the Panciatichi coming in from the country, occasioned the battle to begin; but the Panciatichi out-numbered, and almost surrounded by their enemies, were compelled again to abandon the town with precipitation and disorder. The Panciatichi, thus expelled a second time from the city, dispersed in diverse places on the plain; and the Cancellieri remaining as lords of Pistoia, suddenly shut the gates, and went with unbridled rage to plundering, burning, and destroying all the remaining houses and substance of the Panciatichi. They robbed and burned the houses of the Rossi, Forteguerri, Collesi, Radda, Bambolino, Doffo, Gualfreducci, as well as the Panciatichi, and many others. Meditating still greater cruelties, they ran in great fury to the public palace, and all those of the magistracy who were of the party of the Panciatichi, whom they could find, they most cruelly put to death. In this state of things, those who presided over the administration of justice, supported by the Florentines, attempted to provide a remedy against new combinations, and made the tumultuous lay down their arms. To make an example, they hanged Puccino Puccini, whom they found guilty of the murder of the  
supreme

supreme magistrates; and declared rebels thirteen others, whom they condemned for high treason, for the contempt shewn to the supreme authority: these were driven out of Pistoia, and fled to Montale. This rigour of justice, however, instead of restoring quiet to Pistoia, served rather to hasten its ruin; because the Panciatichi fortified themselves with bastions of wood, well furnished with arms and men, near the bridge di Bonelle, by means of which they domineered over the whole city, and kept the minds of the Cancellieri in constant agitation, till the pride and ferocity of the two parties suffered not a day to pass in the city or the country without rencounters, burnings, and slaughter. The Panciatichi being fortified at Bonelle, and other places of the plain, deliberated to make an exertion of all their possible strength to destroy totally the contrary party: to this purpose, early one morning, they separated into several divisions, traversed that extensive country by different routes, and after a few hours met all together at the assault of sixteen houses belonging to the Tesi, Mati, and other Cancellieri families, stripped them of the most valuable effects, and burnt the rest to the ground. The Cancellieri hastened in great numbers to prevent or repair so great a misfortune; but the fury and the strength of the Panciatichi was such, that, after having killed and wounded many, they obliged the rest to fly. Their flight animated the Panciatichi to set fire without delay to all the houses in that vast plain, and produced a conflagration, which the historian could compare to nothing better than the opening of one of the months of hell\*.

\* Sembrava essersi aperta in quelle parti, una bocca di inferno. P. 394.

Pistoia being in this deplorable condition, deprived of all succour and assistance, was full of people given up to a licentious way of living, without fear of divine, and much less of human justice, who committed continual insolence and wickedness of every kind: wherefore many, knowing the great damage which resulted to their country, instigated the general council to elect one of the wisest and most learned citizens to administer, with supreme authority, full and summary justice, to the end to find a remedy for so great disorders, to extinguish so great a fire by punishing every fault, and reducing the people to the necessity of embracing peace and tranquillity. The council complied with the petition of the principal citizens of the place, and taking all authority from the podesta and captain, gave the title of doge to Mariotto di Peraccino del Guida, a doctor of laws living at Porta Guidi, and gave him all the authority of the council itself. Mariotto assumed the government of the city, and conducted with so much rectitude, that no man could complain of his partialty, and introduced as much tranquillity into the city as he excited jealousy in Florence. But the Cancellieri, as those who had been the occasion of the exaltation of Mariotto, desirous of demonstrating their superiority in every affair, soon gave occasion to the general council to apprehend fresh evils. They therefore appointed for the doge three of the wisest and most prudent citizens for his counsellors, that, amidst such dangers, he might be animated and assisted not to relax in repressing the pride of restless spirits, and that he might be more ardent in reducing the people to order and quiet. All these endeavours, however, availed but little; for Jacopo Savello

coming to Pistoia with an hundred men in arms, on foot and on horseback, in aid of the Cancellieri, these determined to go out in search of the Panciatichi. Uniting three hundred men to the soldiers of Savello, they issued out of the city in two squadrons, one of which went to assault the houses of the Giacomelli, and the other went towards Badia à Pacciana, where having routed an hundred cavalry of the Panciatichi, they returned to unite with the other division, and both went to work to rob the houses of all that was good for any thing, and then to set them on fire, and put the inhabitants to the sword. In the mean time the party of the Panciatichi, numerous in armed men, marching suddenly in front of the enemy, thought to revenge themselves for their past defeat, by the total extermination of the Cancellieri: but because the river Ombrone, which lay between, hindered the two parties from coming cruelly to a battle, there ensued frequent skirmishes on its banks, which by length of time terminated to the disadvantage of the Cancellieri, and was the reason that, intimidated by the force of the contrary party, they hastily retired, with Jacopo Savello, towards Alliana, and in the confusion abandoned the greatest part of their arms. The general depredation had ruined the crops, and the country was afflicted with a severe famine, which obliged Savello to leave Pistoia.

The Cancellieri of Cavinana, desirous of restoring to Igno the Cancellieri their companions, who had been banished from thence, assembled a body of men, who, united with two hundred and sixty persons, on horseback and on foot, who came out to their assistance from the city, advanced to make trial of their strength; but meeting with their  
fellow



fellow factionaries from the mountains, and making up five hundred foot, and one hundred horse, they all directed their march towards Pitellio, and encamped near the old parish church, where they waited two days the arrival of other forces, to make an united assault upon the castle: but not seeing them arrive, and fearing that succour might come to the Pitellians from their friends in St. Marcello, they laid aside their meditated enterprize, and returned to their places.

The Panciatichi of the mountains, finding themselves disturbed by the Cancellieri, thought it a duty to revenge themselves; and collecting for that purpose one hundred and fifty men at Cutigliano, began to scour the country and commit depredations. They were encountered with a great booty, and a sharp engagement ensued, and, after three hours, the Panciatichi thought it convenient to leave their prey, and retreat, to save their lives, to Lizzano. The Cancellieri having recovered their property, and observing the retreat of the Panciatichi into certain houses of Lizzano, marched into it. Then the Panciatichi of Lizzano, for fear of the contrary party, who were increased to five hundred persons, and thinking to save their property and the furniture of their houses, deposited them in the church and its steeple, to which also the women and the men retired. The Cancellieri arriving in Lizzano, and finding all the houses abandoned, pillaged all that was left in them, and then burnt them. They then laid siege to the church and steeple in so close a manner, that there was no space left for the Panciatichi to escape. The Cancellieri sent notice to their consorts in the city, country, and mountains, to send them immediate succour, that they might have dead, or prisoners, their confined enemies. One

thousand five hundred men appeared, and took away from the besieged all hope of assistance. In this desperate situation there was no proposal of surrender or capitulation. The Cancellieri, repeatedly assaulted their enemy; but these obstinately defended themselves, and often wounded the assailants. These at length renewed the enterprize by fire, and attacked both the church and steeple in that manner. Those in the church could no longer endure the raging flames, and all retired into the steeple. This place not being capacious enough for all, many were suffocated with the heat and smoke. The Panciatichi, reduced to this state of misery, were by some of the Cancellieri promised their lives, if they would surrender. Eighteen of the besieged took advantage of these fair words; but scarcely were they in the power of their enemies, when they were perfidiously put to death: none of the rest would surrender, but resolved to perish in the balcony. The besiegers, seeing this courageous resolution, increased the fire under the balcony in such a degree, that the flames arising around and above it, many of the poor wretches within it, tormented with smoke, and heat, and pain, sunk under their misery; and the more they deafened the square below with their cries, the more their inhuman enemies exerted themselves to distress them.

The party of the Panciatichi of the plain, advised of these miseries in which their friends of the mountains were involved, and not able to endure the horrid excesses which were committed, expedited, under the command of Toso, the brother of the captain Franco Gori, at once to Pupillio four hundred infantry, and one hundred cavalry, who giving notice to all the factionaries of the mountains, that they might come to the relief of their friends

friends, in a short time had an army of a thousand men and more, besides a large number of cavalry. Taking possession of proper posts, and making suitable fortifications, Toso, by a great shout, gave a signal of the succour arrived to the poor victims besieged in the balcony. The Cancellieri, when they discovered this reinforcement, sent parties suddenly to repulse them, who found them so well fortified, that any attempt against them must be ineffectual. Succours from all parts arriving to the Panciatichi, the Cancellieri found it necessary to raise the siege, and retire without risking a battle. The besieged who survived the pain, hunger, and other miseries, came out of that steeple and balcony, where more than one hundred and twenty were found dead by the heat, thirst, and hunger; and their liberators not caring to pursue their fugitive enemies, only set fire to their houses, by which new conflagration there was not an house left in these two beautiful villages which was not burnt and demolished.

The Panciatichi having vindicated the wrongs done to their consorts, took the road of St. Marcello, to return to the plain; but one hundred and fifty of them deviating without military order, they were unexpectedly attacked by the people of Calamecca, and not being able to defend themselves, they found it convenient to save their lives by taking their flight in the night. This event instigated the Panciatichi to multiply their forces, to destroy entirely the contrary party, and to this purpose hiring troops from Ferrara, Modena, and Lucca, brought together four hundred infantry, and one hundred cavalry, and these increasing daily, gave occasion to the Cancellieri to prepare for new battles, and the whole country was so excited,

cited, that both parties making great preparations for war, nothing remained to be hoped for but to see the utter ruin of those places. In this miserable state of things, Louis king of France excited the Florentines to interpose. They elected thirteen commissaries, and gave them full power. These prohibited all to wear arms, and cited all the heads of the factions, both of the Panciatichi and Cancellieri, in the city, country, and mountains, to appear at Florence on the 20th of August. Of the heads of the Panciatich faction, who appeared at Florence in obedience to the order, were six of the principal men of the Panciatichi family, four of the Collesi, four of the Bisconti, seven of the Brunozzi, three of the Gherardi, and four of the Roffi: Bartolomeo Panciatichi, M. Goro Ghieri, and captain Guiliano Gherardi, with seven others, refused to go, and incurred the penalty of banishment as rebels. Of the heads of the Cancellieri party, appeared in Florence in obedience to the citation, two of the Cancellieri, three of the Gatteschi, three of the Ambrogi, eight of the Perracino, three of the Melocchi, three of the Tonti, and five of the Odaldi: nine refused to go, and were declared rebels. Six of the heads of the Panciatichi on the plan appeared, and four of those on the mountains, and an equal number of the Cancellieri from each. As soon as they appeared in Florence, seven of the Cancellieri, and six of the Panciatichi, were committed to prison, and all the rest forbidden to leave Florence on pain of banishment as rebels. The Florentine commissaries then took all public offices, and the public revenue, out of the hands of the Pistoians, and imposed heavy fines on the leaders for breaking the peace. Upon examination it was found, that more than four hundred



hundred houses had been burnt in the city, and more than sixteen hundred in the country.

The rigour of the Florentines preserved the peace but a short time, for in the next year the two factions of the Cancellieri and Panciatichi broke out into another civil war, as violent and destructive as ever. But let us pass over the particulars, and mention only a few circumstances. 1503.

The Florentines again made peace in Pistoia by their commissaries, imprisonments, fines, and other severities, which the Pistoians were too much exhausted to resist. In 1505 the Pistoians petitioned Florence to be restored to the honours, offices, and revenues of the city; and it was granted. 1504. 1505.

The Pistoians were such friends of the house of Medici, that they had the address to escape, at the time when the Spanish army invaded Prato, and committed such cruelties and devastations there. 1512.

John di Medici was made pope, and assumed the name of Leo the Tenth, and the Pistoians made such rejoicings upon this occasion, and sent such congratulations by their ambassadors to the pope, and to Julian his brother, and Lorenzo his nephew, as recommended them to favour. 1513.

In 1514 the families of Panciatichi, Cancellieri, Ricciardi, Gualfreducci and Vergiolesi, who in 1369 had been prohibited to have, obtain, or exercise the offices and dignities of the city of Pistoia, its country, or mountains, supplicated, with others, to be admitted to public offices and honours. Their petition was repeatedly rejected by the council: but at length, by the influence and intercession of the pope, Leo the Tenth, they, their children, and descendants, were restored and admitted to all the honours demanded. Is there in history a more curious fact? These families 1514.

were, by an obstinate, arbitrary, and stupid law, excluded from all offices and share in government; yet it was impossible to establish a government that could controul them, and they disposed of all offices, and the whole government, divided as they were into two parties, struggling for the whole time, and butchering each other, that one of them might rule the whole.

1515. Some sparks of malignity remained concealed in the minds of the factionaries, the Panciatichi and Cancellieri, which in 1515 broke out in a furious flame, and extended into the plain and the mountains. From tumults and murders both parties proceeded to make preparations of men and arms, to revive the civil wars in all their horrors. But the Florentines, that is to say the Medici family, interposed with such energy, as restored the public tranquillity; in order to preserve which they drew off many of the turbulent spirits, by taking them into their service as guards, &c.

1520. After the death of the emperor Maximilian, Charles of Austria, king of Spain, was elevated to the throne of Cæsar, and was called Charles the Fifth. Upon this event the Pistoians expected some innovations, but the emperor was prevailed upon, by Leo the Tenth, to make no change in the government of Tuscany: on the contrary the emperor confirmed to the Florentines the privileges of their state, authority, and lands, which they were in possession of.

1523. Guilio de Medici was seated on the pontifical throne, and called Clement the Seventh. The Pistoians did honour to his elevation by great rejoicings, and by an embassy of congratulation; which produced a letter from the pope full of paternal

ternal affection for the city of Pistoia, and abounding in praises of the citizens who composed it.

The ascendancy of the Medici family was not, however, sufficiently established to prevent a civil war from breaking out again in Pistoia between the Cancellieri and Panciatichi: an obstinate battle was fought between them, which lasted seven hours, and the Panciatichi were again obliged to leave the city, and go into the country to their usual mischief. They returned in a short time with additional force, fought the Cancellieri again, and obtained a victory, not without a multitude of killed and wounded on both sides. After this new tumult many orations were instituted in Pistoia, to obtain the extirpation of civil discords. The insurrection was soon heard of in Florence, and Niccolo Capponi, whose prudence was esteemed equal to his valour, was sent as commissary, with an army, to suppress it. With great difficulty, and much severity, he succeeded to make a peace, or a truce, between the two parties.

1524.

But in 1527 the same factions revived their hostilities, but the leaders were seized and sent to Florence, and imprisoned, and mulcted in fines so severe as intimidated others. Charles, duke of Bourbon, with a large army of Spaniards and Germans, approached the Alps of Tuscany, and threw the Pistoians into an uncommon agitation; but a great fall of snow obliged him to divert his course from Pistoia to Rome.

1527.

The Florentines having, in 1527, banished the Medici, and taken down, with great impetuosity, the arms of that family from every place in the city, Charles the Fifth, in 1529, took upon himself the obligation of re-establishing entirely that family in that city: and to this end he commissioned Filibert, prince of Orange, to lay siege to  
Florence

1529.

Florence with a large army of Italians and Germans. The Florentines made great preparations for defence, not only of their city, but also of Pistoia. They sent into it five companies of infantry, and placed each gate of the city under a company, and the piazza under the fifth, all under commanders in whom they had confidence. But all these exertions of the Florentines for the security of the city of Pistoia, and to maintain it at their devotion, appeared, even to themselves, to be vain and of little moment, if the good-will of the two factions of the Panciatichi and Cancellieri could not be obtained: and as the Cancellieri were already naturally inclined to their views, they courted and complimented the Panciatichi as the most powerful, and as the adherents to the Medici; and to accomplish their purpose, they called to Florence some of the heads of that party, and admitting them into their council of war, affected a great esteem for their judgments and opinions in things of the greatest importance. The Panciatichi in Pistoia, however, having the greatest share of influence, by the favour of the pope and the Medici family, placed little confidence in those who at this time had the sway in Florence; they therefore created a new magistrate over all affairs of the war, and gave him ample authority to do every thing for the advantage of the city. This magistrate esteemed the five companies insufficient for the defence of the city, and sent to Florence for more; but he was answered, that the troops of Charles the Fifth were approaching to lay siege to Florence, and that the forces of their enemies increased every day, so that they had enough to think and to do for their own defence; that the Pistoians must therefore make use of the means they had for their own salvation: and to this



end they gave orders to their commissary, who resided in Pistoia in behalf of the commons of Florence, that he should release freely into the hands of the Pistoians the balia of their city, that they might both govern and defend themselves; and to their soldiers, posted as guards, to return with all possible expedition to Florence. These orders of their principals were suddenly executed by the commissary and podesta. Pistoia remained free from the yoke of the Imperial vicars, provided itself with men, arms, and provisions: but dreading the army of Charles the Fifth on one side, and the Panciatichi at least courting the Medici, they sent four ambassadors of the Panciatichi party to offer the keys of the city to the pope, and pray his intercession with the emperor that his army might not enter their territory. Many of the citizens, intimidated by the uncertainty or the times, absented themselves. The opposite party prevailed too in another measure, the appointment of ambassadors to Florence to obtain a re-consideration of their resolution. This produced such a rage in the Panciatichi party, that one of the ambassadors, Tonti, was assassinated, and a riot instantly ensued, in which eighteen of the Cancellieri lost their lives, and the whole party was driven out of the city, and their houses plundered and burnt, particularly the celebrated palace of that family near St. Luke's. The principal actors in this mischief made a rich booty of money and jewels, fled to Bologna, where they were most graciously received and pardoned by the pope.

At this time followed the real extinction of the faction of the Cancellieri; because the Panciatichi, favourites of the pontiff, as adherents of the house of Medici, assumed such vigour, that enraged not only  
against

against the Cancellieri of the city, but of the country, both on the plain and in the mountains, they sacked, burnt, and destroyed, the greater part of their houses, spreading ruin and devastation as they went, in Cavinana, Lanciole, Castigliano, Spignano, and all the other castles and possessions of the Cancellieri. The people of Serra, followers of the Panciatichi, burnt the castle of Calamecca, which held for the party of the Cancellieri; these were so inflamed with resentment, that, with the help of some companies of Lombards, they compelled their enemy to fly, some of whom retreating, to secure the church of Crespole, were there besieged, and finally all put to death: others retired to the balcony, and there fortified themselves, so as to hope to escape the fury of their persecutors, but in vain, for the assailants, disappointed of their vengeance by the sword, resolved to obtain it by famine. The Panciatichi being reduced to this state, one of their most daring soldiers, named Appollonio di Dante, to deliver his companions from the hands of their enemies, precipitated himself from the tower, and his cloak taking the wind, he descended with no other injury than a slight hurt in one of his arms. Running first to Serra, and then to Pistoia, he excited one of the Collesi to march, with a good body of soldiers, to the relief of the besieged. After this, Pitellio, Pupillio, and Mammiano, by revolting to the party of the Panciatichi, suffered no other damage than the loss of a multitude of their inhabitants, who were chased from their habitations as adherents to the Cancellieri.

1530.

The pope, Clement the Seventh, accepted the gift of the city, and by a letter or charter, directed to his beloved sons the priors, gonfalonier, and people of the city of Pistoia, sent his pontifical com-

commissary to take possession. The Panciatichi had now exterminated the Cancellieri, and obtained the power of governing; but it was at the expence of subjecting both themselves and their country to a foreign power and another rival family.

Charles the Fifth, the 28th of October, 1530, constituted Alexander de Medici governor, not only of Florence, but of all Tuscany, to the extreme joy and satisfaction of Clement the Seventh. Thus pope and emperor, Guelphs and Ghibellines, Bianci and Neri, Panciatichi and Cancellieri, were at last all brought to unite, as all such constitutions of government ever have united, at last, in a government of all authority in one centre, but that centre a worthless, however artful, despot. 1530.

The Pistoians were in hopes, that at least under an absolute prince they might enjoy a little tranquillity: but in 1531 the usual disgusts between the two factions of Panciatichi and Cancellieri began to spring up. Although the former, by the partiality of the house of Medici, were indulged in all their caprices, yet finding themselves now increasing in strength, nothing would satisfy them but the total expulsion from the city, and the complete destruction, of all that belonged to the Cancellieri. Tumults and slaughter arose, and no man had the knowledge or the will to provide a remedy. 1531.

Alexander de Medici took possession of his principality in Florence, and great rejoicings were made in Pistoia, and four ambassadors sent to present the congratulations of their city, and recommend it as having been always faithful lovers of his family. The forty-eight senators, instituted in Florence this year under Alexander, pacified the two factions of Panciatichi and Cancellieri, and those persons and families who remained 1532.

mained of the latter faction returned to the city, to the joy of all.

1534. Alexander distinguished Pistoia from all other places under his dominion, for its great affection and sweet love to his family, by giving orders that all the business of Pistoia should be addressed immediately to himself in person.

1535. Charles the Fifth having determined the untruth of the accusations of tyranny brought against Alexander de Medici by the Florentine exiles, made a visit to Pistoia, where he was received and entertained in the public palace.

1536. Alexander took it into his head that commissaries and governors were destructive to a state, and therefore abolishing the office, he disarmed the inhabitants as inclined to tumults, and destined ten noble Pistoians to govern their city. On the 6th of January, this year, Alexander was assassinated by Lorenzo, and Cosimo succeeded. When the news of this assassination arrived in Pistoia, the heads of the Panciatichi party assembled, and, after mature deliberation, concluded that the present was a convenient opportunity for destroying totally all remnants of the Cancellierian party. To this purpose they excited an insurrection of all their factionaries, under colour of maintaining the city of Pistoia in its devotion to the house of Medici. They made leaders of Gio. Collesi and some others, and with a great multitude scoured the city, and in a very short time assassinated fifteen. Many others, hoping to secure themselves, took post in the fortresses, but, betrayed by the commanders, who let in the Panciatichi, they were miserably deprived of their lives. The partisans of the Cancellieri, seeing that they could not resist the fierce assaults of the contrary faction, went to hide themselves, some in the towns, some in

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in the monasteries, and others in subterraneous places; others went out of the city, found a leader, and hazarded a battle with their enemies, in which many were killed, and others afterwards burnt in steeples. Many, who had foreseen such an event, had before retired to Montale and Montenurlo, places of their faction: so that the Panciatichi remaining dominators without controul in Pistoia, sacked, burnt, and destroyed all the houses, shops, and stores, which remained of the contrary party in the city.

Cosimo the First had ascended the throne of Tuscany, and ambassadors were sent from Pistoia to congratulate him. At the same time the factionaries of the Cancellieri, who had taken refuge in Montale, constituting their leader the captain Guidotto Pazzaglia, their compatriot, and a head of the Cancellierian faction (whom, though aged, and weakened by so many military fatigues, was retired to his estate called the House in the Wood\*, fortified by a thick and high wall, and defended by an high and strong tower) they intreated him to engage in their defence, and obstruct the approaches of the Panciatichi. Pazzaglia took under his command all the factionaries of his party, and, by a secret correspondence which he had with Philip Strozzi, increased his numbers to four hundred men, whom he quartered in his own habitation. From this post they took the licence to go out frequently to the annoyance of the Panciatichi, and gave them much disturbance and many apprehensions. The Panciatichi, to make a diversion and a division of the forces of the country party, which every day increased in power, went and commenced a cruel warfare with

\* La Casa al Bosco.

the Cancellieri of Cavinana. These were made uneasy, and retired to their steeples, where they made a brave defence. At this time the commissary took the resolution of bridling the parties by authority and with rigour: but the Panciatichi, who were more than a thousand men in number, in contempt of justice, and sparing neither age, nor condition, nor sex, executed in a short time a cruel vengeance on their adversaries by fire and sword; and going on every day increasing in ferocity, they increased their murders, rapines, and fires, till they reduced Cavinana, St. Marcello, Crespole, Calamecca, Lanciole, Pupillio, and other places, to horrid spectacles of desolation. Many of the Cancellieri, perceiving that fortune was not favourable to them, retired to the parish church of Cutigliano, and there fortified, stood upon their defence, without losing their presence of mind, waiting from the brave captain Luca Giacomelli some convenient succour, by which they might once attempt an attack upon the rear of the Panciatichi, who, to increase their power both in numbers and situation, had taken a post very near them. These disorders were very displeasing to the duke Cosimo de Medici, and he took great pains, by means of his commissary, to restore quiet to the Cancellieri, to which the Panciatichi at length consented. Nevertheless the church was scarcely opened, when they fell into such a furious rage, that they fell upon every one of the Cancellieri, and cut them to pieces. Cosimo was not discouraged, even by this outrage, from using other means to restore quiet to Pistoia, and at last reduced some part of it to good order. But the faction of the Panciatichi, having no longer any of the Cancellieri on whom to vent their rage, turned all their hatred and indignation  
against

against one another. The faction became divided into two, which rushed into such persecutions of each other, that innumerable quarrels and murders succeeded. The example was followed among their connections in Florence, which gave occasion to the rectors of that city, who dreaded greater disorders, to draw the two parties to a truce. At the same time the duke Cosimo was exactly informed, that the captain Pazzaglia received daily additions to the numbers in his house: by the assistance of Philip Strozzi, and the other exiles, many were induced daily to go into his service, and increased the terror which they had of this great captain. Desirous of providing against every sinister event, which he foresaw might occur, not only from the great number of men who were assembled at the House in the Wood, but from the thousands of men which Pazzaglia at the sound of a bell was able to raise, the duke, after having in vain attempted to gain him by means of some friends, sent Otta da Montauto, with a thousand infantry, to attack the House in the Wood, and make prisoners of its garrison. Montauto by forced marches sat down before the place, but, discovered early by Pazzaglia, who, always vigilant, saw every thing, and thought of every danger, he was fiercely repulsed. Montauto, perceiving the enterprize to be difficult which he had thought so easy, sent to his brother Frederick, who commanded the guards in Pistoia, for immediate succour. The prompt arrival of this aid alarmed Pazzaglia, who, finding himself besieged by a great number of soldiers, and not hearing the bell of Montale, which he had ordered one of his officers to ring, to assemble the assistance he expected from that and other places, he ventured out of his habitation, cloathed and armed like a sol-

Philip  
Strozzi.

dier, and with a joyful countenance went to meet his besieger, and demanding safety for himself and his soldiers, put himself into his hands. Montauto received Pazzaglia with a smiling countenance, and knowing him to be humane, generous, and polite, he knew not how to refuse his demand. They both entered the House in the Wood, where they refreshed themselves so splendidly, that Montauto, admiring still more the greatness of soul of Pazzaglia, could not without tears conduct him to the presence of the duke. Cosimo had enough of policy as well as generosity to receive him like an intimate and confidential friend. He took him to his most confidential consultations, and decided on no affair of state without his advice. The duke, perceiving that the ten noble Pistoians, destined to govern the city, had not fulfilled the obligations enjoined upon them, nor preserved good order, restored the use of the ancient offices of podesta and commissary. He promoted to these offices men of moderation as well as of spirit, and thought by their means to remedy all disorders; but there still remained enough of the citizens inclined to quarrel, to keep the city in tumults, and to vilify all justice.

Niccolo Braccioli had insinuated himself into favour with the duke, by having revealed to him a conspiracy of the Salviati, Ridolfi, Strozzi, and Valori, and was appointed to the command of certain companies of infantry which were in garrison there. This officer, recollecting that Francesco Brunozzi had been averse to include him in the last truce made between the factions by the mediation of the Florentines, conceived the design of taking a rough revenge of all the Brunozzi family. For this purpose he put himself at the head of his adherents, collected a considerable



body of armed men, besides those which Gio. Collesii held concealed in his house ready for any orders of Bracciolini, went through the city in search of Brunozzi, and having found him, deprived him of his life. He proceeded to set fire to his house, and all the other houses of the family, but was obliged to get possession of them at the point of the sword. The Brunozzi made a brave defence, but were inferior in numbers, and three sons of Francesco were left dead, and the rest fled to some obscure place. Not satisfied with this, Bracciolini proceeded to the country houses of the family, with a soldiery as tyrannical as himself, and there committed all imaginable cruelty, burning and destroying every thing. For this cruel revenge he was afterwards condemned to pay to the surviving Brunozzi only two thousand five hundred ducats for damages. At the same time many exiles from Florence, desirous of deposing from the throne of Tuscany the duke Cosimo de Medici, in order, as they pretended, to set their country at liberty, collected together at Miranda four thousand infantry, and three hundred cavalry, and gave the command of them to Piero Strozzi, who took for his colleague Baccio Valori, and came with one division towards Pistoia, and halting at Montemurlo, waited for the rest of the army. The party of the Cancellieri, who there expected them, received them with transports of joy; and having repaired the fortifications, and furnished the cattle with every necessary, they all, being fifteen hundred men in number, thought of nothing else but doing infinite mischief to the party of the Panciatichi. They burned Saturnana, Valdibura, Uzzo, and Capo di Strada, carrying off from all places a rich booty. Making no account of the government of Flo-

I 2  
rence.

rence, the Cancellieri made all their efforts to re-enter Pistoia, and the exiles from Florence had no other view than to deliver their country from the government of the Medici; so that all were agreed to assemble men, provide arms, and collect money, that they might be able by force to wrest the command from the duke Cosimo. That sovereign, informed of this, and that those in rebellion against him were with much solicitude fortified, every day increased in force, and did very great damage, ordered Alexander Vitelli, Otto da Montauto, and Piero Pipicciano, that in the night they should depart from Florence with their troops, with three thousand Spaniards, and two regiments of Germans, and go to the assault of Montemurlo: and that the force of the enemy might be diverted and disunited, he ordered the captain Frederick da Montauto, then in Pistoia, to unite the force of his companies with those of the party of the Panciatichi; and the same night, with cries and fires, spread terror in the neighbourhood of Montemurlo, that the party of the Cancellieri might be necessitated to abandon it. The party of the Panciatichi, adhering in all things to the will of the duke, united with the forces of Frederick da Montauto, and in a dark night set all in an uproar the country of Alliana, and from thence went to burn the houses of the abbey of Pacciana. Setting fire to a multitude of ricks of hay and stacks of corn belonging to the common people, they constrained the captain Bati Rospigliosi, the captain Francesco Gatteschi, the captain Francesco Arferuoli, the captain Luca Giacomelli, with many others of the exiles, to abandon Montemurlo and the neighbouring places, to go and succour their factionaries of the abbey at Pacciana. A severe and obstinate battle ensued, in which, in the end, the

the Panciatichi were superior, with the death of sixty persons of both parties, among whom were numbered the captain Mattana, with five soldiers of Cutigliano, who were enough to put in doubt the victory. The head of Mattana was carried to Pistoia, and, amidst the exultations and rejoicings of his adversaries, carried to the piazza as a spectacle to all. This detachment of the exiles being at break of day, the 1st of August, 1537, defeated, Vitelli and Montauto, knowing that the principal heads of the rebels were in the castle, went to the attack of Montemurlo, and finding it in all parts ill manned, they animated their people, and assaulted the fortress, which, after a resistance of five hours, was carried. Pietro Strozzi, attempting to make his escape, fell into the hands of the besiegers; a thousand men of both parties were slain, and Philip Strozzi, Baccio Valori, Francesco degli Albizzi, and many others, were conducted prisoners to Florence, where, as rebels both to the state and the empire, they were put to death. This was the establishment and the basis of the grandeur of Cosimo the First de Medici, who afterwards, on the 30th of September, obtained a most ample diploma of the emperor Charles the Fifth. Upon this memorable victory the Pistoians congratulated the duke with an excess of joy by their ambassadors; and the party of the Panciatichi, who had rendered all possible assistance, recollecting that the Cancellieri of the House in the Wood had taken refuge in the parish church of Cutigliano, when that place was sacked by the captain Vincenzo di Poggio, and the proud towers which were there were ruined to the foundation, they now hastened with such ferocity to the assault of that church, that, after a long and good defence, the besieged, without hope of succour, surrendered at

1537.

Pietro  
Strozzi.Philip  
Strozzi  
executed.

discretion to their enemies, who uniting with those of Valdibura, of Cireglio, and of Uzzo, their adherents, burned of the Cancellieri more than thirteen hundred houses in the commons of Bigiano, in the abbey of Pacciana, in Chiazzano, Satornana, Calamecca, Crespole, and Lanciole.

The emperor preparing in Lombardy for battle against Francis the First, king of France, and relying on the valour of Piero Strozzi, general of the Italian infantry, the Pistoians were agitated with fears, and made great preparations for defence.

1538. The controversy between Pistoia and Lucca, about the boundary between them near Pupillio, being adjusted, the duke Cosimo was desirous of establishing the peace of the city; and for this object, with menaces and efficacious admonitions, he did not cease to press the obstinate citizens to submit to a regular life, and reduce their affairs for once to good order and a state of tranquillity: but as the Pistoians, in their unbalanced state, had no other consolation than to stand immersed in dissensions, quarrels, and discords, they gave no attention to the sovereign councils, but went on more tumultuous, wicked, and seditious, destroying the good order of government, reducing every thing, without controul, to the advantage of their private interests, and the wantonness of their wild caprices\*. The indignation of the duke was at last excited against these obstinate brains, whom he thought it his duty to tame, by taking from them all the honours, public offices, and revenues of the city, as well as the institutions of charity, and to shut up the palace, the residence of

\* Sempre piu tumultuanti, e facinorosi, e seditiosi, querendo il buon ordine del governo, riducevano quello, senza freno, ai vantaggi dei propri interessi, e disordinati capricci.



the supreme magistrates. With this view he elected four commissaries for the affairs of Pistoia, and gave them full authority to fulfil his determination. All this was ordained and established at the instigation of certain citizens of Pistoia, and rendered vain all the efforts of the people; since, by the tenor of the sovereign command, all the magistracies and offices of the city were suppressed, and the administration of all the revenues and institutions of charity was consigned to Taddeo Guiducci, and Christopher Ranieri, with the title of Proveditors General, who received into their possession all the moveables of the public palace, and the supreme magistrates who had resided in it were dismissed. Six citizens were deputed, with the title of Proveditors of the Commons, to whom the palace was committed: these, with the resident commissary, and not otherwise, assembled to treat of the affairs of their city. These having held the office a certain time, it was permitted to the Pistoians to draw six subjects from a purse destined to that use; but the duke apprehending that these new regulations would excite insurrections, he sent a body of soldiers, only three hundred and fifty in number, to disarm the citizens, and rein-in the seditious and the wicked; amplified the fortifications, and furnished them with every necessary.—Many of the Pistoians now considered themselves as slaves, and thought their nobility debased by the privation of all the honours, public offices, and revenues: they thought it inconsistent with the dignity of their blood to lead a life so obscure and inglorious; many therefore retired from the city, and went to inhabit in other places; hence the city was in danger of depopulation, became defective in many arts of convenience and necessity, and nothing

1539.

was heard but sighs, groans, and lamentations. The few inhabitants who remained, knowing the great damage which had resulted to their country from this resolution of the duke, were never satisfied with venting their reproaches and curses against those who had advised it; and they would have attempted more such great things as compose the whole history of their country, if many had not been disheartened by the rigour of the new government.

All the soldiers in garrison at Pistoia being, in obedience to the orders of the sovereign, gone, with all those in the state of Florence, to make their honours and acclamations on the happy marriage of the duke Cosimo with Leonora, the daughter of don Peter of Toledo, marquis of Villa Franca, and viceroy of Naples, the Cancellieri esteemed the opportunity convenient to rise and take vengeance on the Panciatichi. As all the soldiers, and many of the citizens, were gone to Florence, the Cancellieri resolved to enter the city in the night, and kill all the Panciatichi, without pardoning or sparing one, that there might not remain the least memorial of them. They hired people from various places, of every quality, and some of the most brave, intrepid, and desperate; and having gained over to their party many in the city, that they might, at a critical moment, open the gates, they introduced, in small numbers at a time, many of their most desperate men, and quartered them, in perfect secrecy, in the houses of their adherents and partisans. They elected for their captain Gio. Tonti, who entered the service in the night of the 15th of June, and put in order more than four hundred soldiers, and marched with them to the gate of St. Mark, at Pistoia, where the walls were lowest,  
gave

gave the concerted signal to those within, that with their knowledge he might enter the city unknown to their enemies. At the signal of Tonti, those who were upon the walls let down suddenly one of their men, with orders to say to those without, that they had waited for hours, and because day approached, many had retired to their houses for fear of a discovery; and that therefore it would be advisable to delay the enterprize till the next night. Hearing this, Tonti sent immediately one of his aids to desire those upon the walls not to depart, and instantly consulting his colleagues, he found but one for waiting till the next night. Transported with impatience, Tonti at once cried out to his soldiers, "Now is the time to show our courage!" and placing a ladder against the wall, mounted to the top, and hastily moving his ladder to come near a certain stone, in order to leap out upon the wall, he fell with it into the ditch. His people hearing the noise of his fall, but not seeing, by reason of the thickness of the air, what had happened, they suspected that they were discovered, and that Tonti had been repulsed by the contrary party. Those therefore who had ascended on other ladders turned back, and gave themselves to flight, very few remaining for the defence of Tonti; among these the most spirited and the most faithful pressed to see what had happened, and discovered Tonti, with one thigh broken, half dead in the ditch: understanding the truth from him, they placed him on a ladder, and, with the assistance of his brother, carried him to a house in the neighbourhood as a place of security. In this unfortunate circumstance, Simon Gatteschi, and Philip Ghelardini, persons of great zeal and activity, prepared to carry on the enterprize.

Confiding

Confiding much in the assistance of those in the city, they hastened early, with thirty followers, to the gate of St. Mark, and finding it open, entered the city, and marched to the piazza. As many of the Panciatichi as they found they killed, which raised a great uproar in the city, and intimidated the people so much, that all retired to their habitations. The heads of the Panciatichi observing that the rioters were very few, and that none in the city gave them assistance, took courage, and making, by order of the commissary, a hasty collection of men, they began with these to pursue the others with so much spirit, that some of them fled out of the city, went towards Cireglio and Cavinana, there made a rich prey, and escaped into Lombardy. Others were taken and severely punished, and afterwards all the accomplices of the conspiracy were by a public proclamation declared rebels: thus ended the tumult. The commissary afterwards ordered to be arrested many of the Cancellieri party, which was about fifty in number, held them three months in prison, put some of them to the torture, by which he discovered the truth of the fact, and then set all at liberty, without condemning any.

1541. All contradiction and opposition being suppressed, and the harvest being plentiful, the Pistoians thought no felicity superior to theirs, and they thought it lawful to forget the past by immersing themselves in a sea of pleasures, by the allurements of which they were seduced into a very vicious and expensive life.

1547. Cosimo acknowledged that the privation of honours and offices had decreased the population of the city, diminished commerce and the revenue, and therefore esteemed it his interest, as well as that of the public, that the city should be restored



to its primitive state. On the 30th of March, 1547, he granted in favour of the Pistoians, all the honours and public offices, and all the privileges, which were established in the year 1496, in the convention with the Florentines. The purses were soon formed of the usual magistrates, and all the persons worthy of that pre-eminence and those honours had their names imborfed, and the subjects were drawn with universal rejoicings.

The representatives of the factions of Cancellieri, under the name of Dormentoni, and those of the Panciatichi, under that of Risoluti, made by some among the sports and shows of the Carnival, with habits and ornaments proper to that age, excited some injurious words and confusions, of so serious a nature, that there was great danger of reviving the ancient animosities and insurrections: but the duke Cosimo caused to be arrested the inventors of those masquerades, intimidated their followers, and restored the public tranquillity; and, to make the greater impresson on the people, and secure their quiet for the future, he punished the prisoners in an exemplary manner.

1555.

The government continued absolute in the family of Medici till the year 1737, when, upon the death of John Gaston the First, the last grand duke of that family, without issue, the family became extinct. Don Carlos, king of Naples, in his own name, and Philip the Fifth, king of Spain, not only in his own name, but also in the name of the infant don Philip, and don Louis, and the other sons whom he might have by the queen of Spain, renounced all right and pretence, which they or their descendants might have, to the succession of the grand dukedom of Tuscany, and transferred all such rights, actions, or pretences, to Francesco di Leopoldo, duke of Lorrain and Bar, his heirs and

1737.

and successors ; and Pistoia soon swore allegiance to the new sovereign. And here ends another most splendid example of the blessings and felicities of a republic without three orders forming a mutual balance !—It is quite unnecessary to excite the resentment, or flatter the vanity, of any individuals or families in America, by mentioning their names : but if you begin at New Hampshire, and proceed through all the states to Georgia, you will at once be able to fix your thoughts upon some five or six families in each state, some two of whom will, in the course of fifty years, perhaps of five (unless they are restrained by an independent executive power, three independent branches in the legislature, and an independent judicial department) be able to divide the state into two parties, one generally at the head of the gentlemen, the other of the simplemen, tear one another to pieces, and rend the vitals of their country with as ferocious animosity, as unrelenting rancour and cruelty, as ever actuated the Cancellieri and the Panciatichi in Pistoia. And it will not be the fault of these individuals or families ; they will not be able to avoid it, let their talents or virtues be what they may : their friends, connections, and dependents, will stimulate and urge them forward, by every provocation of flattery, ridicule, and menaces, until they plunge them into an abyss, out of which they can never rise :—It will be entirely the fault of the constitution, and of the people who will not now adopt a good one : it will be the misfortune of those individuals and families as much as of the public ; for what consolation can it be to a man, to think that his whole life, and that of his son and grandson, must be spent in unceasing misery and warfare, for the sake only of a possibility that his great grandson may become a despot !

LETTER

## LETTER II.

## CREMONA.

Dear Sir,

CREMONA had persevered under the government of consuls until 1180, when she changed the form of her government, reducing all the authority of the consuls to one person alone, who, from the supreme power which was given him, was denominated a podesta. The elections of consuls had occasioned such contests among the principal families (as none could be elected to that dignity who were not citizens) that it was now ordained by law, that none should be elected to the office of podesta who was not a foreigner, and a citizen of any other city, as should be agreeable to the council, provided he was not related by blood to any of the electors, had a real estate in the city or country, and was arrived at least to thirty-six years of age: and, above all things, they sought for men of prudence and most eminent reputation, to whom, as soon as they were elected, they sent letters by a public order, praying them to accept the dignity offered them; and on the day when they made their entry into the city, with a public concourse and acclamations, they were by the whole people solemnly met and received. They carried in ceremony the ensigns of their authority, the furred cap, the long sword, the rod, and the sceptre\*: and because for the

1180.

\* Il capello, et il stovo, et la verga, o scettro.

most

most part they were men of military talents, as well as skilful in the laws, they conducted with them judges expert in the legal science, by whose means they heard and tried all causes civil and criminal, and assembled the council when it was necessary. After this change of magistracy from consuls to a podesta, which, however, was of short duration and little stability, such was their inconstancy, that they created sometimes a podesta, sometimes consuls, and at other times both consuls and a podesta together; and there occurred to the state and republic of Cremona many and very great disturbances.

1183.  
Peace  
of Con-  
stance.

Cremona, in 1183, sent her ambassadors to Placentia, where were assembled all the ambassadors of the other cities of Lombardy, Marca, and Romagna, together with the ambassadors of the emperor, and king Henry his son, in May. At this assembly it was concluded, that all the cities should send their ambassadors to the diet of Constance, a principal city of Germany, to establish the peace negotiated between the emperor and the cities. The twenty-fifth of June, 1183, was established, ratified, and confirmed, that peace, so solemn and so celebrated, which, from the name of the city where it was made, was called the peace of Constance; a correct copy of which treaty is to be found at the end of the fourteenth book of Sigonius, of the kingdom of Italy\*.

1190.

Such was the instability of the government, that the city returned, in 1190, to the administration of consuls.

1191.

They in the next year elected a podesta again, who led them out to war, but was unfortunate, and this made them weary of a podesta; and the

\* Muratori, Annal. anno 1183.



next year they created consuls, and consuls were annually elected until 1195, when they returned to a podesta. All this is perfectly natural: the people were distressed by the contest of the principal families when they had consuls, and therefore wished to have a foreigner as a podesta to keep them in order. The principal families, however, struggled for consuls, that they might have the rule; and one party prevailed this year, and the other the next.

The consuls, in 1198, to supply the city with water, dug a well, and built a conduit of water, which was afterwards called the Murmur, from the complaints of the people against the expence of it, which were so great, that they rose in tumults, and insisted in choosing a podesta. Cremosino Oldrino was accordingly appointed, and governed jointly with the consuls to the end of the year.

Any one may pursue at his leisure the particulars of the changes from consuls to podesta, and from podesta to consuls, till the year 1209, when, upon the appointment of consuls, there arose discords and civil seditions, which brought the republic to the brink of ruin. The city became divided as it were into two, by a rivulet that passes through it; on one side it was called the New City, and on the other the Old, though all the popular men of the old city joined with the new: in short, the division was between the gentlemen and the populars at bottom. The new city arose in tumults, and were joined by all but the gentlemen in the old, made new magistrates and governors, and congregated together to constitute a new general council at Sant' Agata.

The old city and the new, each, made its podesta, and many quarrels and civil wars followed;

lowed; and the hatred between persons and parties increasing, as if they had not been born in the same city, but had been most cruel enemies, they soaked the bosom of their common mother with blood, and had no mercy on her houses or riches, which they consumed by fire. But with much pains and intercessions of the bishop a peace was made, by which the podesta of the new city submitted to the podesta of the old, and swore obedience to him, with this reservation, however, that he was to be podesta of the people.

1211. The civil war was renewed in 1211, between the citizens of the old and the new city. The two factions proceeded to a sharp conflict, and after having killed an infinite number of citizens, those of the old city set fire to the houses in the neighbourhood of the scene of action, and consumed every thing in them. The year before Otto had been excommunicated by Innocent, the pope, and deprived of the empire, and Frederigo Rogerio was elected in his place: for this reason the Cremonese went this year in favour of the marquis of Este, and drove out of Ferrara Ugucione de Guarnesi, who was podesta there in the name of Otto.

1212. In 1212 civil discords were somewhat appeased, and consuls were appointed. The wars between Cremona, and Milan, and Placentia, may be read by those who are curious, but are not to our purpose. They lasted till 1217, in the beginning of

1217. which year civil discords and seditions increased, because the people could not agree in creating the magistrates; and it was not till after a long delay, and the interposition of the pope, with apostolical exhortations by letter, that they were persuaded to lay aside their hatreds and discords, so far as to appoint a podesta.

In

In 1221 the most terrible discords and civil wars, between the gentlemen and the common people in Placentia, were accommodated for a time, under the mediation of Sozzo Coglioni, podesta of Cremona. The substance of the peace, to which each party swore, was to lay aside their discords and contentions, and forgive the injuries, damages, and mischiefs, mutually committed and received. But of what avail are oaths and treaties, which the nature of man and the form of the government will not permit to be observed? 1221.

This year two noble citizens of Cremona were made, one after the other, podestas of Placentia. 1222.

In the beginning of the year 1229 the discords among the citizens prevailed so far, that they created consuls, and those only for six months; and this year there was a confederacy of Verona, Modena, and Parma, against Cremona. 1229.

There arose, in 1232, in the city of Cremona, seditions and civil wars. 1232.

The Cremonese united with the popular party in Placentia, in favour of whom Uberto Pallavicino, from Cremona, went with an hundred light-horse, to oppose the noble exiles. 1233.

The Milanese and Brescians, joining the noble exiles from Placentia, went with a powerful army against Cremona, and deformed the whole country with blood and fire. 1234.

In the year 1242 began to take root in Cremona those abominable and pernicious factions of Guelphs and Ghibellines, and infected it to such a degree, as occasioned an infinite expence of the blood of the citizens, an inestimable destruction of wealth, an unspeakable perdition of families, and a most melancholy and miserable ruin of the country. 1242.

1246.

The city was, in 1246, divided between the two factions; but the Ghibellines had the majority, and obtained the appointment of a podesta. This year the emperor Frederick was excommunicated by the pope and council at Lyons, in France, and Henry duke of Thuringia was elected.

1247.

The two factions daily increased in violence. The old city, that is the gentlemen, were favourers of the Ghibellines, and adherents of Frederick, the schismatical emperor; and the new city, that is the common people, were partisans of the Guelphs, who adhered to the holy see. The bloody wars occasioned by this division, between Frederick and Innocent, and their respective followers, you will read at your leisure, and you will laugh at the terrible disgrace of Cremona in the loss of their triumphal chariot, an infamy which none but the gentlemen could obliterate. The marquis Uberto Pallavicino, a most powerful man, and of great reputation, but a zealous Ghibelline and old-city-man, was appointed podesta: he fought a memorable battle, made two thousand prisoners, retook the carroccio, and returned in triumph to Cremona.

Pallavi-  
cino.

Campo begins his third book in the manner of Machiavel, with deep, grave, and formal reflections, as if a diversity of sentiments, contradictory principles, inconsistent interests, and opposite passions among the citizens, could be reconciled and united by declamations against discord and panegyrics upon unanimity, without a balance, in a government possessed of sufficient force. Disunion of the citizens is, indeed, according to him, the worst evil in a city; for what mortal pestilence can bring upon them greater damage than discord? This not only precipitates noble and illus-



trious families to ruin, but exterminates powerful and famous cities: nor is there any principality or kingdom so stable or well founded that it may not be torn up by factions. If this is true, it is still an argument against constituting a city in such a manner that it must necessarily be destroyed by factions. All things are maintained and increased by concord, and go to ruin by disunion; union brings victory, and discord defeat: enemies are easily resisted when you agree among yourselves; when the members are disunited from the body, the person loses both strength and beauty. When Cyrus divided the Euphrates into three hundred rivulets, a child might ford the largest of them, though his favourite had been drowned in attempting the united water. Italy, the lady and the queen of the world, after infinite conflagrations, sacks, slaughters, pillages, subversions, and ruins, has finally been degraded, by the discords of her sons, into a servant and a handmaid. All this may be true; but how long will republicans be the dupes of their own simplicity! how long will they depend upon sermons, prayers, orations, declamations, in honour of brotherly love, and against discords, when they know that, without human means, it is but tempting and insulting Providence, to depend upon them for the happiness of life, or the liberty of society!—The city of Cremona, to come to the present point, by its discords and divisions, suffered intolerable evils, and ultimately lost her liberty, falling under the power and domination of Uberto Pallavicino; who, taking the opportunity from the controversies, which went on every day increasing among citizens, disunited and divided into divers factions of new city and old, gentlemen and common people, Guelphs and Ghibellines,

of Capelletti, of Barbarasi, and of Maltraversi, in the year 1251, from podesta, made himself absolute lord, patron, and master, of the commonwealth, by the assistance of the Ghibellines, who in the old city were very numerous and powerful.

Sozzo Vistarino, a principal nobleman of the city of Lodi, maintained, as a guard of his person, a company of soldiers from Cremona: but the whole family of Vistarino being soon afterwards banished and expelled by the people of Lodi, pope Innocent endeavoured to negotiate their restoration. But the people would accept of no conditions of peace until Milan and Cremona made war upon them, and unitedly compelled the people of Lodi to receive the Vistarini into their city. At the end of the same year the marquis Pallavicino, at the requisition of the people of Placentia against their noble exiles, went, with many ceremonies, to the siege of Rivergaro, to which those nobles had retired.

1252. The Cremonians about Rivergaro, in 1252, compelled the noble exiles of Placentia to surrender, and their castles and lands were destroyed. Pallavicino, not content with having made himself master of Cremona, or rather of the old city, aspired to the dominion of Placentia, and to this end gave trouble enough to the podesta of that city. While Pallavicino was master of the old city; his rivals Bossio Dovara, first, and Azzolino Dovara, of the same family, were successively made lords of the new city.

1253. Uberto Pallavicino, in 1253, was by the Placentians created podesta of that city: but as the affairs of Cremona were in a critical and fluctuating posture, he left a vice-podesta at Placentia.

The

The marquis Pallavicino, having arranged affairs as he would in Cremona, returned to Placentia in 1254, and, by favour of the Ghibellines, was created perpetual governor and lord of that city.

1254.

Uberto Pallavicino, with the Ghibellines of Cremona and Placentia, went to the assistance of Ezelino of Romagna, the most cruel of tyrants, and confederating with him against the Mantouans, consigned to fire and sword the whole territory, and laid siege to the city for three weeks, and would have taken it, if the marquis of Este, and the Bolognese, had not come to its relief.

1256.

A kind of triumvirate was formed between Ezzelino, Pallavicino, and Dovara, who aspired at the domination of Lombardy.

1258.

The triumvirate disagreed, and a new league was formed between Pallavicino, Dovara, Azzone marquis of Este and Ancona, Louis count of Verona, Ferrara, and Padoua, on the one part, against Ezzelino. The particulars of the war, and the success of Pallavicino against Ezzelino, the conquest of Brescia, and the subsequent persecutions of the Guelph party in that kingdom, may be omitted; but in the year 1260 the rage of factions and seditions were so distressing to all the cities, that there arose a new species of pilgrimage and penitence, whose object was to restore peace among the parties, and obtain the return of the exiles to their proper cities. The number of these pious and charitable people grew to be prodigious in Tuscany, Romagna, and Lombardy, and very austere were their penitences, and very affecting their cries of "Mercy! mercy!" Pallavicino was alarmed, and prohibited, under severe penalties, these kind of pilgrimages in Cremona

1259.

1260.

and Bressia, because he feared they would prove the ruin of those seditions and divisions by which he maintained the domination of those cities. He grew proud and insolent, plundered the bishopric, and drove the bishop into exile.

1261. Palavicino having recovered the city of Placentia by means of the Ghibellines, went with a noble company of Cremonians, and established a government, making podesta Visconte Pallavicino, a son of one of his brothers.

1263. Gandione Dovara, a noble Cremonese, was, in the name of Pallavicino, podesta of Placentia; but the Guelph exiles making an insurrection, he was driven out with his garrison. Pallavicino began at this time to be uncommonly jealous of Bossio Dovara.

1264. Pallavicino fell into a controversy with Philip della Torre, and detained in Cremona all the merchants of Milan, with their effects, pretending that Philip was his debtor, for having given him assistance, with his Cremonese soldiers, to recover the castle of Arona, occupied by Ottone Visconte, archbishop of Milan.

1266. Pallavicino, in 1266, grew odious, and the factions of the Barbarasi, as well as the Ghibellines, had plundered the church, so that the city was laid under an interdict; and the pope's nuncios had influence enough with the people to produce a revolution, a deposition of Pallavicino, and a restoration of all the exiles, by the general council.

1267. After the deposition of Pallavicino, Bossio Dovara occupied the dominion of Cremona; for, upon the return of Amatino Amati, the proper head of the contrary faction, from exile, Dovara, with his followers, were driven out of the city; but he went only to Placentia, and there held the dominion,



nion, and appointed to the government a podesta, Gerardino Dovara, a relation.

Uberto Pallavicino having lost the lordship of the principal cities of Lombardy, died miserably in his Sisalgio castle, in which he was besieged by the Parmesans and Placentians. 1269.

Bossio Dovara, with the Ghibelline exiles from Cremona, went in favour of Napoleone della Torre, against his enemies at Lodi. This year they began in Cremona to create captains of the people. 1270.

Pontio Amato, a citizen of Cremona, being podesta of Milan, was killed in a battle between the Torriani, and Ottone Visconte, archbishop of Milan. 1273.

The Torriani having taken Crema, set fire to it. The Cremonese of the Guelph faction gave assistance to those of Torre, against Ottone and the other Visconti, with whom were Bossio Dovara of the Ghibelline faction, who prepared employment enough to the Torriani. 1278.

The Cremonese and Parmesans, desirous of effacing the memory of the injuries done them in times past, restored their triumphal chariot of the podesta, which had been laid aside. Great joy was discovered upon this occasion, and the two cities entered into a strict confederation with the Modenese and Reggians, and the marquis of Este. The principal article of this league was, that they should assist the inhabitants of Lodi, who were molested by the Milanese, who favoured the party of the Visconti, of which the marquis of Monferrato was captain. Bossio Dovara, and Gabrino di Monza, who were also of the faction of the Visconti, entered into Crema with four hundred soldiers on horseback, and as many on foot, the Guelphs having fled. 1281.

1282.

The Torriani being exiled from Lodi, took refuge in Cremona, and at the same time Bossio Dovara, sallying out from Crema, took by stratagem Soncino and Romanengo, castles in the jurisdiction of Cremona. The Cremonese of the Guelph faction, then dominant, fearing that their affairs would grow worse, assembled their army, and called a diet of the cities their confederates. The ambassadors therefore of Placentia, Reggio, Parma, Modena, Brescia, Bologna, and Ferrara, assembled at Cremona; and the marquis of Este came in person. Florence, and the other cities of Tuscany, offered to lend their aid: the same offer was made by John Appiano, procurator of Romagna. They sent also a noble embassy to the pope, to inform him of the situation of affairs in Lombardy, and in how much danger were the cities affectionate to his highness. Ottone Visconte perceiving these movements, entered into a closer league with the marquis of Monferrato, and collecting as many armed men as they could, marched out with the triumphal chariot of Milan, and united with Bossio Dovara. The Cremonese conducted their army, now very powerful by the additions of the confederates, partly to Castellione, and partly to Paderno, castles of Cremona; and while the two armies stood fronting each other, they began to treat of peace, which was finally concluded, by means of the ambassadors of Placentia and Brescia. The conditions of this peace were, that all the cities should expel each others exiles. Ottone Visconte easily complied with the conditions of this convention, because he had already conceived no small jealousy of the marquis of Monferrato, and a most violent hatred against Bossio Dovara, who, being excluded from this confederation and peace, and having too much confidence

confidence in himself, refused to surrender Soncino and Romanengo. The Cremonese therefore called another diet, who sent an army and expelled him, not only from those two castles, but from Crema. William and Ugolino Rossi, noble and most powerful citizens of Parma, having contracted marriage, the first with Donella Carrara, of the signori of Padoua, and the other with Elena Cavalcabo, of the family of the marquis of Viadana, these cities had made peace, and were full of rejoicings on the union.

William, marquis of Monferrato, having made war upon Ottone Visconte, archbishop of Milan, the Cremonese sent some companies of soldiers to his assistance. At this time the triumphal chariot began to be disused, as very inconvenient in battle: they retained only the general standard in white, with a red cross, to which Ottone, who was the first to use it, added the image of St. Ambrose. 1285.

A peace was concluded, in 1286, between the Visconte, the archbishop, and the exiles of Milan. 1286.

The numerous family of Sommi had a confirmation of certain rights, anciently granted to the family by the bishop of Cremona.

A new confederation was formed, in 1288, between Ottone Visconte, archbishop of Milan, and the cities of Cremona, Pavia, Placentia, Brescia, Genoa, and Asto, against the marquis of Monferrato: but the marquis of Monferrato having made himself sovereign lord of Pavia, a new diet was assembled at Cremona, and another confederation formed. 1288.

Matthew Visconte, who by Adolphus, king of the Romans, had been declared Imperial vicar of the city of Milan, called a diet in that city, to deliberate on a war against the Torriani. The ambassadors 1294.

ambassadors of Cremona were there, and promised to send their forces to the aid of Visconte: but the Torriani made no movement, and Visconte did not long hesitate to break with Cremona and Lodi; for, impatient to enrich his followers, he began to discover an intention to impose taxes on those cities. The Torriani too began to complain, and were supported by the patriarch of Aquileia: the Torriani came to Cremona, and began to prepare war against Matthew Visconte.

1295. The Torriani removed from Cremona to Lodi, where they met many of their friends, and soon received the news that Matthew Visconte had taken Castellione from the Cremonese: the Torriani, with some soldiers from Cremona and Lodi, and a gross multitude of Milanese exiles, their adherents, went to meet Visconte, but were attacked and routed by him.

1299. The ambassadors of Cremona, of the marquis of Monferrato, of the the marquis d'Este, of Novara, of Casale, of Bergamo, and of Vercelli, all congregated at Pavia, and made a league against Matthew Visconte. The Cremonese, not long afterwards, with the marquis d'Este, were routed by Visconte. This year, however, a peace was concluded between Milan and Cremona, in which no mention is made of Visconte.

1302. A league was made, in 1302, between Cremona, Placentia, and Pavia, and they chose for their captain-general Alberto Scotto, then lord of Placentia: these having hired a good body of soldiers, and united with the Torriani, went under the walls of Milan. Matthew Visconte, seeing that he was hated by his fellow-citizens, went out of Milan, and renounced all his authority to Scotto; and while they were treating of peace, the Torriani entered Milan, and drove off Matthew and all his partisans.



partisans. After having expelled the Visconti from Milan, a new congress met at Placentia, of ambassadors from Cremona, Milan, Pavia, Lodi, Como, Novara, Vercelli, Tortona, Crema, Casale, and Bergamo, and concluded to hire, at the common expence, and for the common defence, a thousand horse and a thousand foot.

A tumult in Parma, in 1303, was occasioned by an attempt of Giberto di Correggio to restore the Parmesan exiles. Giacopo Cavalcabo, lord of Viadana, Amato, Perfcio, and Sommo, all noble citizens of Cremona, and old friends of Correggio, transported themselves to Parma, were elected arbitrators, and soon decided the controversy in favour of their friend Correggio. This year controversies and enmity arose between the Cremonese, and Alberto Scotto, lord of Placentia. 1303.

There was a diet of confederate cities, in 1304, against Alberto Scotto. A powerful army was collected, and the marquis of Monferrato, and the marquis of Saluzzo, were created captains; and having passed the Po, and taken many castles in the neighbourhood, laid siege to Placentia: but the Cremonians and Lodians, considering the danger they might be exposed to if that noble and powerful city should fall into the hands of the marquis of Monferrato, they began to withdraw their troops. They were followed by those of Pavia, and the others, and the army was dispersed, and Placentia delivered from the siege. A new league was made against Scotto, the head of which was Visconte Pallavicino; and the next year the Torriani made themselves masters of Placentia. 1304.

Giacopo Cavalcabo, a most noble citizen of Cremona, and lord of Viadana, a man of ingenuity, and an elevated spirit, was created podesta of Milan. 1307.

Milan. The Fulgosi, Scotti, and Palastrelli, noble families of Placentia, with the assistance of William Cavalcabo and the Cremonians, expelled Lando and Visconte Pallavicino from Placentia.

1308. Guido della Torre, lord of Milan, made Persico, a noble Cremonian, podesta of that city. This year a controversy arising between the Parmesans and Giberto di Correggio, the Rossi, the Lupi, and other noble exiles, who had taken refuge in Cremona, were summoned by their countrymen to return; and they instantly obeyed, and carried with them the assistance of Tignaca Pallavicino, who at that time was podesta of Cremona, and the Cremonian soldiers, and having driven Correggio from Parma, Giacobbo Cavalcabo was created podesta of that city. A confederation was also made between Guido della Torre, and the city of Cremona, to which Lodi, Bergama, Placentia, and Crema, acceded.

1309. Guiliano Sommo, a noble Cremonian, was made podesta, and captain of the commons and people of Placentia, for six months, according to the custom of those times.

1310. Henry the Seventh, the emperor, came, at the end of 1310, into Italy to be crowned, and he called together all the Ghibellines of Lombardy, among whom Matthew Visconte held the first place. At that time the authority and influence of William Cavalcabo, brother of Giacopo, was so great in Cremona, that all public affairs were administered according to his will; but as these brothers were the heads of the Guelph faction they were little friendly to the emperor.

1311. Cremona, in 1311, tasted more than ever the bitter fruits of faction, civil discord, and unbalanced government, with which however it had been vexed and distressed for many years: it was  
now,

now, besides infinite proscriptions of property and slaughter of citizens, upon the brink of total ruin from Henry. Fachetto, marquis of Canossa, had been sent with the title of Imperial vicar, but had been refused and expelled by the Guelphs, who then had the domination in Cremona: the emperor's indignation was excited, and he gave orders to Matthew Visconte to pass the Adda, and assault Cremona with an army of Ghibellines, who, collecting together from every quarter, were increased to a great number. The emperor himself, with the empress his consort, departing from Milan, removed to Lodi. Gulielmo Cavalcabo, to whom had been given by the Guelphs the absolute dominion of Cremona, perceiving such formidable preparations for war, knowing his own city to be nearly divided into equal parties, and having little confidence in his own faction, quitted the city, and went to Viadana, followed by the Picenardi, Sommi, and Persichi, with many others, nobles and populars, his adherents: and the city would have been wholly evacuated and abandoned, if the citizens had not been dissuaded by Sopramonte Amato, who went into the middle of the multitude, exhorted them to stay, and throw themselves on the mercy of the emperor, whom he painted as pious and clement, and offered himself as one of the principal intercessors. The people being comforted by his speech, it was ordered, that two hundred of the principal men should go to meet Henry, who, hearing of the flight of Cavalcabo and his adherents, removed towards Cremona, and was already arrived at Paderno, eight miles distant from that city: there he was found by the Cremonians, who had been sent with Sopramonte Amato, who, in miserable habits, with their heads uncovered, with naked feet, and cords  
about



about their necks, when they came before the emperor, fell upon their knees, and cried out, "Mercy!" (*misericordia!*) and, with tears and lamentations, endeavoured to recommend themselves and their country to the clemency of the conqueror. Such a spectacle of misery might have moved to compassion the heart of cruelty itself: it had not, however, the force to move in the smallest degree to mercy the most inhuman soul of Henry, who, with a cruelty more than barbarous, rolling his eyes another way, that he might not see them, commanded, with a voice of ferocity, that they should be all sent to prison; which was instantly executed by his ministers, and they were soon after put to death. Henry entered Cremona, assembled the council, and ordered that the walls of the city should be thrown down. This order was executed: and Henry desired to have the houses demolished; but at the prayer of some of his lords and barons, he was diverted from this malicious purpose; but they could not hinder many from being burned by Cremonian citizens, who had been exiles for being of the Ghibelline faction, and who sought every cruel method of revenge for the injuries they had received. The city was therefore filled with misery; the Tedesques and Italians all robbed alike; and nothing was heard but violence, murder, rapine, and extortion. The most rich were sure to be declared guilty, and their estates to be confiscated.—The emperor at last came to the public palace, and caused to be published a most severe sentence, in which he condemned the Cremonians to pay an hundred thousand golden florins, confiscated the public revenue, and ordered that the walls and bulwarks of the city should be ruined, and the ditches filled up. These hard conditions were  
accepted,



accepted, and the observation of them sworn to by Frederick Artezaga, syndick of the commons of Cremona, in whom was left the government of the faction of Ghibellines, favoured and exalted by the emperor, who now left one of his vicars, and departed. The Guelphs, thus ill treated, now concerted another confederation, and called in to their aid Robert, king of Puglia: into this league entered all the cities of Romagna and Tuscany. The principal were Florence, Lucca, and Siena; and of those of Lombardy, Bologna, Reggio, and Parma, whose sovereign lord was Giberto di Correggio. The Torriani, and the Cavalcabos, with the rest of the Milanese and Cremonian exiles, joined the confederacy; and all these united, after having made themselves masters of the bridge of Dossolo over the Po, took also Casalmaggiore, driving out the Ghibellines.

William Cavalcabo, having learned that John Castiglione, podesta of Cremona, in the name of the emperor, was gone with the militia to Pozzoboronzio, a place subject to the Cremonians, in which were some Guelphs, taking advantage of this opportunity, flies with admirable rapidity to Cremona, and entering the city by the gate della Mosa, arrived without opposition to the piazza, where he was encountered by Galeazzo Visconte, and Manfredino Pallavicino; but these not being able to sustain the impetuosity of the soldiers of Cavalcabo, not without a great slaughter of Ghibellines, among whom was slain Giacomo Redenasco, they resigned themselves to flight, and Galeazzo saved himself in Crema. Soon afterwards, as an insurrection was expected in Cremona, Giberto di Reggio went thither from Parma, where he was received with tokens of the greatest joy; and having quieted with great prudence the controversies,

1312.

troverfies, he eftablifhed Cavalcabo in the lordfhip of the city, making Quirico Sanvitale, his fon-in-law, podetta. The inhabitants of Soncino having alfo expelled the Imperial governor, furrendered to Cavalcabo, who, fearing that the enemy would encamp at that poft, went thither fuddenly with Venturino Benzzone, head of the Guelphs of Crema, and with Venturino Fondulo, one of the principal men of Soncino. The Barbufi, and other families of Soncino, of the oppofite faction, having conveyed intelligence of this to the emperor, he gave Soncino to the count Guarnero, his general in Lombardy, who went and laid fieve to the place. There were in Soncino, befides the Terrazzani, the Guelphs of Cremona, Crema, and Bergamo; and with the count Guarnero, befides the Tedefque troops, were the Ghibellines of Cremona, Bergamo, and Crema. The inhabitants of Soncino defended themfelves on the firft affault with great activity, encouraged by the valour of Cavalcabo, Benzzone, and Fondulo; but feized with a panic, upon fome advantage gained by Galeazzo Vifconte, the foldiers, who came to their affiftance from Cremona, abandoned fhamefully their defence, and retreated into the houfes. Cavalcabo, feeing fuch cowardice or treachery, confulted with Benzzone to get out of that place as foon as poffible: collecting their foldiers in a compact body, they rufhed into the midft of the enemy, combating with wonderful intrepidity; but Cavalcabo being killed, and Benzzone, and Venturino Fondulo, with his two fons, made prifoners, the Ghibellines remained victorious. Benzzone, falling into the hands of the Ghibellines of Crema, was miferably affaffinated; and Fondolo, with his two fons, by the orders of Guarnero, were hanged before the gate of Soncino. The news of this defeat

defeat filled Cremona with terror and confusion: but Giberto Correggio, with a company of Parmesans, coming in, their fears subsided, and the enemy having intelligence of this succour, had not the courage to approach the walls. The Cremonians, to recompense the benefit received from Correggio, gave him the dominion of the city for five years. The Guelphs took Castellione, in which was Manfredino Pallavicino, who was made prisoner: and Castelnovo, the mouth of the Adda to the Guelphs, was taken by the Ghibellines.

Passarino della Torre had the government of Cremona in 1313, with the title of vicar of Robert, king of Puglia. 1313.

Giacopo Cavalcabo, marquis of Viadana, was, in 1315, by the common consent of the people, elected to the dominion of Cremona. Ponzino de Ponzoni, his brother-in-law, whether from private envy or republican jealousy, was enraged beyond all measure at this, and he stirred up insurrections against Cavalcabo, many other noble families, the Ponzoni, the Guazoni, the Amati, and the Picenardi, who went out of Cremona, and made a league with the Visconte, and occasioned much mischief and ruin to their country, against which they took up arms. 1315.

Ponzino Ponzone, and all his adherents, having made a league with Cane della Scala, lord of Verona, and with Passarino Buona Cossi, lord of Mantoua, came to Cremona, and laid siege to it; but by the valour of those within were repulsed; yet they did much damage in the territory. A peace, or the appearance of a peace, between those in the city and the exiles, was then made; and by common consent was deputed to the government of the city Egidiolo Piperano, with the title of 1316.

abbate of the people: and then the Ponzoni, with their partisans, returned to the city.

1317. The whole city, in 1317, arose in arms, excited by Giacopo and Luigi Cavalcabo, and Gregorio Sommo, and others their partisans of the Guelph faction, with whom were the Brusati, lords of Brescia, with all their followers: these, entering the great piazza of Cremona, assassinated Egidiolo Piperano, who had mounted the rostrum to still the tumult. Leonard and Baccanino Picenardi, though one of them was a brother-in-law of Louis Cavalcabo, were both assassinated; the Pedecani, Malombra, Alemanni, and others innumerable, both of the noble and popular families of the Ghibelline faction, were murdered; and the whole faction was in fact driven out of the city, Ponzone taking his flight with some others of the principal citizens who held with him. He was received into Soncino by Philip Barbuo, and soon obtained Castellione, and all the Guelphs were chased out of both these places. Ponzone, who had first holden with the Guelph party, now conjured up another faction, by the name of the Maltraversi, of whom he was the head (for every faction has its podesta, little council, and great council, its king, lords, and commons), and in a short time made himself master of almost all the Cremonese territories in the country. Finally, the Ghibelines and Maltraversi made a coalition, and constituting Ponzino their head, entered into close alliance with Cane della Scala, lord of Verona, and Passarino Buonacossi, lord of Mantoua, and with Matthew Visconte, vicar-general of Milan: there came, therefore, to the assistance of the Ghibelines and Maltraversi, against the Guelphs, in Cremona, Cane and Passarino, with their people, and Matthew sent them Luchino, his son, with the  
Milanese



Milanese cavalry and infantry, with whom were some companies of Pavians, Placentians, Parmesians, Bergamans, and others from Coma, Novara, Vercella, Crema, and Montferrato. All these people uniting together, encamped against Cremona. The siege continued twenty-eight days, without any event of consequence, excepting their depredations upon the territory in the country, and destruction of all the estates of the Guelphs.

Ponzone, having made a breach in the wall, entered the city with his Ghibellines and Maltraversi, and reached the piazza without being discovered. The Guelphs when they saw him were astonished and fled, and with them Giacopo Cavalcabo and Gregorio Sommo. Ponzone was proclaimed lord of Cremona by the Ghibellines and Maltraversi. At the same time the partisans of Cavalcabo took Robecco, and went to Olmeneta, eight miles from Cremona, and ruined certain towers of the Zucchelli, in which was Nicolo Borgo, with some others of the faction of Ponzone, who, upon hearing of the destruction of his friends, went with a body of soldiers to those places, and made much havoc among the people of Cavalcabo.

Giberto Correggio, captain-general of the Guelph league, with Cavalcabo, and all those of their faction, broke down the walls of the city in 1319, entered, and by force of arms drove out the Ghibellines, and Ponzino Ponzone with his league of Maltraversi Guelphs.

This Ponzone appears to have joined any side, as his circumstances gave him opportunity; for in 1319 he made a coalition with Galeazzo Visconte, son of Matthew, and lord of Placentia, with the Ghibelline faction entered by force of arms into Cremona, and chased away the Cavalcabos, with all

the real Guelphs their partisans. There was afterwards published a proclamation in the name of Galeazzo, that it should be lawful for all, of whatever faction, to inhabit the city of Cremona, excepting the Cavalcabos, and certain other citizens, suspected of having concerted a plot against Galeazzo and his partisans.

1324. Alberto Scotto, of Placentia, head of the Guelphs, was killed, amidst three hundred Ghibellines, in taking the castle of Malamorte. Raimondo Cordona was sent by the pope, John XXII. with a powerful army, to the assistance of the Guelphs, who assembling all of his faction in Lombardy, went against Galeazzo Visconte, and shutting him up in Milan, laid siege to it.

1327. Louis the Fourth, of Bavaria, set up an anti-pope against John.

1329. Louis confirmed to the Cremonians all the privileges granted to them by his predecessors.

1330. Guido de Camilla, Imperial vicar, had the government of the city, and a truce was established between the community of Cremona and Gregory de Sommi, by which it appears, that Cremona was not at that time subjected to the Visconte. The city was governed by Ghibellines, who were the majority or predominant party; and Gregory Sommo was one of the principal heads of the Guelph party.

1335. Azzo Visconte, son of Galeazzo, having made a peace with the Cremonians, gave them the dominion of Crema, which, after the death of pope John, had subjected itself to the Visconti. This year, according to some historians, the lordship of Cremona was given by its inhabitants to the same Azzo Visconte.

Azzo Visconte, lord of Cremona, died without sons, and to him succeeded in the dominion of  
Milan

Milan and of Cremona, Luchino Visconte, and John his brother, who, from bishop of Novara, was a little afterwards made archbishop of Milan, so that he became in that city lord both in spiritual and temporal affairs. Cremona enjoyed a state of tranquillity under the joint lordship of Luchino, and John the archbishop.

Luchino Visconte died in 1338, and for his rare and excellent qualities very much regretted by the people his subjects: he left no son, and therefore the archbishop obtained the sole lordship of Milan and Cremona, and of many other cities acquired by the virtue of Luchino. John and Luchino had obtained from Benedict the Twelfth, pope, the title of vicars of the holy apostolical see. 1338.

Bernabo and Galeazzo, brothers of the Visconti, nephews of John, the archbishop and lord of Milan and Cremona, both married; the first to Regina della Scala, daughter of the lord of Verona and Vicenza; and Galeazzo married a sister of the duke of Savoy, named Bianca. 1350.

John Visconte, archbishop and lord of Milan, after having greatly amplified his dominions, died in 1354, leaving as his heirs Matthew, Bernabo, and Galeazzo, sons of Stephen his brother. The extent of absolute dominion, already acquired by this family over the ruins of so many commonwealths, ruined by their unbalanced factions, appears by the division made upon this occasion: To Matthew were assigned Placentia, Lodi, Bologna, Massa, Lugo, Bobio, Pontremelo, and Borgo San Donino; to Galeazzo, the cities of Coma, Novara, Vercelli, Asti, Alba, Alessandria, Tortona, Castelnovo di Scrivia, Bassignana, Vigevano, St. Angelo, Montebuono, and Mairano; to Bernabo were given Cremona, Bergamo, Brescia, Crema, Valcamonica, Lonato, with all the river dal Lago di Garda, and other places. 1354.

The lordship of Milan and Genoa remained to them all united.

1355. The emperor, Charles the Fourth, came into Italy to receive the Imperial crown, and was crowned with the crown of iron at Milan, by Robert Visconte, archbishop of that city, and he there created knights, John Galeazzo, a boy of two years old, who was afterwards the first duke of Milan; and Marco, who was not two months old, both sons of Galeazzo Visconte: the emperor gave also the title of Imperial vicars in Italy to the three brothers, Galeazzo, Matthew, and Bernabo. The dominion of Cremona remained alone in Bernabo.
1365. Bernabo married Verde, his daughter, to Lupoldo, brother of the archduke of Austria; and the wedding was celebrated in Milan, before a congress of ambassadors from Cremona, and all the other cities subject to him; and he gave his daughter a dower of an hundred thousand florins.
1368. Violante, daughter of Galeazzo, was married to a son of the king of England, with another dower of an hundred thousand florins, and an annual pension of twenty-four thousand more, assigned upon some city of Piedmont.
1372. Isabella, the first wife of John Galeazzo, conte di Virtù, the first-born son of Galeazzo Visconte before mentioned, died, and left an only daughter, called Valentina. At this time Bernabo gave great signs of an inhuman and cruel nature.
1377. La Verde, daughter of Galeazzo, was married to a son of the marquis of Monferrato, who was assassinated by his subjects. She was then married by her father, with a dispensation from the pope, to a son of Bernabo.
1378. Galeazzo died, and left two sons, John Galeazzo conte di Virtù, and Azzo. John Galeazzo, who



who was the eldest, succeeded his father in the dominion of the state.

Catharine Visconte, daughter of Bernabo, was by her father married to John Galeazzo, conte di Virtù, her cousin, with a dispensation from the pope. 1380.

Azzo died, brother of John Galeazzo, to whom alone remained the government of their paternal state. 1381.

Cremona gave itself voluntarily to John Galeazzo Visconte, conte di Virtù, under whose dominion came all the other cities and places subject to Bernabo, his uncle and father-in-law, Bernabo having been made a prisoner, with Lodovico and Rodolfo his sons, by the same John Galeazzo, who having learned from his wife, the daughter of Bernabo, that her father had several times attempted to put him to death in order to rule alone, resolved to relieve himself from anxiety and suspicion. To this end he went to Pavia, and affected a retired life, and pretended to go a pilgrimage to St. Mary del Monte. Bernabo, with his two sons, went to meet him, and were all three taken by the soldiers of John Galeazzo, and confined in the castle of Trezzo, where they all died of poison, as it is supposed, sent them by his nephew and son-in-law. John Galeazzo was immediately accepted by the Milanese as their lord; and the Cremonians spontaneously gave themselves up to Giacomo Virino, the captain and counsellor of the same John Galeazzo, and soon after sent sixteen ambassadors to Milan with a capitulation, which was accepted and confirmed by him, article by article, with some limitations. The first article was, that the city of Cremona gave itself voluntarily and by a common concord of all the people. 1385.

1388. Bianca, mother of John Galeazzo, died, and Valentina his daughter, by Isabella his first wife, was married to Louis duke of Orleans, brother of Charles the Sixth king of France; and this year was born Gio. Maria, son of John Galeazzo by Catharine his consort.
1392. Philippo Maria, second son of John Galeazzo, was born in Milan, in 1392.
1395. John Galeazzo, conte di Virtù, obtained the title of duke of Milan, of Vencilaus the emperor. He received all the ensigns of the ducal dignity, and that with admirable pomp, before a congress of the ambassadors from all the cities subject to him, among whom were those from Cremona, those from Venice, Florence, the marquis di Ferrato, the lords of Forli and Urbino, and the sons of the lords of Padoua, with a multitude of others. He gave to the emperor an hundred thousand ducats for the ducal dignity.
1399. In 1399 the duke obtained the domination of  
 1400. the city of Pisa; in 1400 that of Perugia; and in  
 1402. 1402 Bologna.
1403. Factions arose again in this province, out of which were engendered seditions, civil discords, and rebellions, by which Gio. Maria, second duke of Milan, lost so ample a dominion as was left him by his father. Seditions arose in Milan, in which they chased away the ducal lieutenant; which being understood by the other cities, they all arose, driving off the ducal officers. John Castiglione, a Milanese, was then in Cremona, with the title of ducal vicar, but he was now expelled by the fury of the people: and at the same time John Ponzone, and Ugolino Cavalcabo, marquis of Viadana, most noble and powerful citizens, and heads of the factions of Guelphs and Maltraversi, drove the Ghibellines from the city, and made themselves

selves masters of it. There followed at this time innumerable homicides and burnings of houses, both in the city and country, there not being a village in which there were not the two parties.

But passing over the horrid detail of particulars, we may pass to the year 1404, when Ugolino Cavalcabo, having seized the dominion of Cremona, conceived suspicions of some of the principal citizens, and caused their heads to be struck off, as guilty of plotting against him, and endeavouring to restore the city to the duke. Tyranny and cruelty are always the effect of such a state of affairs in all parties; and the duke John Maria grew every day more cruel: he imprisoned his own mother, Catharine Visconte, in the castle of Monza, and caused her to be there strangled. Ugolino, coming to battle near Brescia with Estore Visconte, was taken prisoner, with Marsilio and Cæsar Cavalcabo, and many other citizens of their faction. Ugolino was conducted to Soncino, and then to Milan, where he remained many months in prison; and Cabrino Fondulo, his captain, saved himself in that conflict by flight to Cremona. The captivity of Ugolino being known, Charles Cavalcabo, of the same family, seized the dominion of Cremona.

1404.

Francesco Gasoni, a knight, and heretofore podesta of Cremona for Ugolino Cavalcabo, and afterwards by Charles, his successor, made captain-general in that city, was beheaded, for being suspected of holding a correspondence and concerting a conspiracy with Estore Visconte. A league was published this year between Charles Cavalcabo, Pandolfo Malatesta, Vignati lord of Lodi, and Bartolomeo and Paolo Benzoni, lords of Crema; and Charles took Piadena, whose fortress was surrendered to him by William Picenardo.

1405.

The

1406.

The Visconte castle was this year fortified by Charles Cavalcabo, and Ugolino escaping from prison, went to Mancaforma to find Cabrino Fondulo, who came with him to Cremona, to enter into the castle, in which was Charles, who had an understanding with Fondulo: Ugolino was therefore received into the castle, but his foot was scarcely within the gate before he was made prisoner; for these people were not much more inclined to surrender their power to their own families than to strangers. A little afterwards Fondulo having fraudulently invited to supper with him, in the castle of Mancaforma, Charles and Andreafo Cavalcabo, made them both prisoners, and cruelly murdered them. He came soon after to Cremona with many armed men, entered the castle and the other fortresses, and made himself master of the city, and of all the lands and castles possessed by Cavalcabo, except Viadana, which would not submit to him. Cabrino, little grateful to that family by whom he had been elevated to an honourable rank, defaced all the arms of the Cavalcabos which appeared in public places, and miserably murdered Ugolino, by whom he had been made captain.

1407.

Fondulo, in 1407, caused to be beheaded two sons of Picenardo, in the piazza of Cremona, and cast cruelly from the ruins of a tower two of the family of Barbuo. This year Pandolfo, the son of Fondulo, was born. A truce, made between the duke of Milan, and Cabrino Fondulo, lord of Cremona, was renewed for four months.

1409.

John Maria, duke of Milan, married, in the city of Brescia, Antonia Malatesta, daughter of Malatesta, lord of Rimini. Cabrino Fondulo caused to be burned John de Sesto, for having made false money; and buried alive John Lantero, for having slandered Cabrino; and hanged Lorenzo



renzo Guazzone, and beheaded Rubertino of the same family, for having been seen on the land of Gazzo, which had rebelled against him.

Another son was born to Cabrino Fondulo, lord of Cremona. He had taken Gazzo, which had rebelled against him, and destroyed it; and was this year made a knight in the city of Milan, by Bucicaldo Francese, governor of Genoa for the king of France. 1409.

John da Terfo, lord of Soncino, was taken and assassinated by the people of Cabrino near Brescia; and Cabrino obtained from the inhabitants of Soncino the land and fort. 1411.

John Maria Visconte, duke of Milan, while he was at mass, was murdered by Trivulcio, Guerino, and Baruchino, and other conspirators of several conspicuous families, and Estore Visconte, son of Barnabo, maternal grandfather of John Maria, was proclaimed by the conspirators lord of Milan; but these were driven out by Philip Maria, lord of Pavia, brother of the deceased duke, who entered Milan with the forces of Facino Cane, and Estore being fled to Monza, was pursued by Philip, besieged, fought, and slain: whereupon Philip Maria was proclaimed duke of Milan, and married Beatrice, formerly wife of Facino Cane, and availed himself of her dower, and of the soldiers of her late husband, to recover the state from the hands of the tyrants who, from the death of his father, had possessed it. At the end of this year a truce was made between the duke Philip Maria and Cabrino Fondulo. 1412.

A confederation was made between Fondulo, Malatesta, the marquis of Ferrara, and Philip Arcelli, lord of Placentia, on one part, and Philip Maria, duke of Milan, and his adherents, on the other. The friends of the duke were Vignati lord of Lodi, Rusca lord of Como, Benzzone lord of 1416.

of Crema, and Orlando marquis Pallavicino. This convention lasted not long, though it was made for two years.

1417. The duke Philip Maria, having broken the truce and confederation, sent his forces, under Carmagnuola, his captain-general, to commit depredations on the Cremonians. Going afterwards to Placentia with part of his people, he was met by Cabrino, lord of Cremona, with a few infantry of Malatesta, and defeated.

1418. Philip Maria, duke of Milan, caused to be beheaded Beatrice his wife, for no other reason but because she was grown old and he was weary of her, although he propagated against her suspicions of adultery.

1419. The count Carmagnuola returned to the Cremonian territory with the ducal army, took Castellione and all the other castles, destroyed the vines and corn, and laid siege to the city. Cabrino Fondulo, seeing that he could not resist the forces of the duke, endeavoured to sell the city of Cremona to Pandolfo Malatesta: but the duke sent Carmagnuola upon the territory of Brescia, and soon had all its fortresses in his possession. Cabrino, seeing that the assistance of Malatesta would fail him, began, by the means of Carmagnuola, to treat of an agreement with Philip Maria, who knowing the difficulty of taking the city from so powerful and sagacious a man as Fondulo, finally agreed with him.

1420. Cabrino agreed with the duke to surrender Cremona and all its country, reserving only Castellione, of which he was invested in fee, with the title of marquis, by the duke, for which he paid forty thousand ducats.

1421. The duke recovered Genoa, Albenga, Savona, and Brescia.

1424. Fondulo, desirous of regaining the domination, made

made an agreement with the Florentines against the duke.

The duke condemned to death Cabrino Fondulo, and beheaded him. 1425.

The rest of this history you will consult at your leisure. It was at this time, and had been long, an absolute monarchy. While it was a republic it was a continual struggle between the families of Pallavicini and Dovara, Cavalcabo and Visconte, Ponzoni and Cavalcabo, Visconte and Fondulo. The family of Visconti acquired in Lombardy a sovereignty like that of the Medici in Tuscany, and by the same means: and both because there was no balance in the governments, and because the executive power and judiciary power were elected in the legislative assembly; that is, precisely, because all authority was attempted to be placed in the same centre. Is it worth while, merely for the whistling of the name of a republic, to undergo all the miseries and horrors, cruelties, tyrannies, and crimes, which are the natural and inevitable fruits of such a constitution?

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### LETTER III.

PADOUA.

Dear Sir,

THE elements and definitions in most of the arts and sciences are understood alike, by men of education, in all the nations of Europe; but in the science of legislation, which is not of the least importance to be understood, there is a confusion of languages, as if men were but lately

lately come from Babel. Scarcely any two writers, much less nations, agree in using words in the same sense. Such a latitude, it is true, allows a scope for politicians to speculate, like merchants with false weights, artificial credit, or base money, and to deceive the people, by making the same word adored by one party, and execrated by another. The union of the people, in any principle, rule, or system, is thus rendered impossible; because superstition, prejudice, habit, and passions, are so differently attached to words, that you can scarcely make any nation understand itself. The words monarchy, aristocracy, democracy, king, prince, lords, commons, nobles, patricians, plebeians, if carefully attended to, will be found to be used in different senses, perpetually, by different nations, by different writers in the same nation, and even by the same writers in different pages. The word king, for example: Ask a Frenchman what is a king? his answer will be, A man with a crown and sceptre, throne and footstool, anointed at Rheims, who has the making, executing, and interpreting of all laws. Ask an Englishman; his idea will comprehend the throne, footstool, crown, sceptre, and anointing, with one third of the legislative power, and the whole of the executive, with an estate in his office to him and his heirs. Ask a Pole; and he tells you, It is a magistrate chosen for life, with scarcely any power at all. Ask an inhabitant of Liege; and he tells you, It is a bishop, and his office is only for life. The word prince is another remarkable instance: In Venice it means the senate, and sometimes, by courtesy, the doge, whom some of the Italian writers call a mere *testa di legno*: in France, the eldest sons of dukes are princes, as well as the descendants of the blood royal: in Germany, even the rhingraves are princes; and in Russia, several families, who were not de-



scended from nor allied to royal blood, anciently obtained, by grant of the sovereign, the title of prince, descendible to all their posterity; the consequence of which has been, that the number of princes in that country is at this day prodigious; and the philosopher of Geneva, in imitation of the Venetians, professedly calls the executive power, wherever lodged, The Prince.—How is it possible that whole nations should be made to comprehend the principles and rules of government, until they shall learn to understand one anothers meanings by words? But of all the words, in all languages, perhaps there has been none so much abused in this way as the words *republic*, *commonwealth*, and *popular state*. In the *Rerum Publicarum Collectio*, of which there are fifty and odd volumes, and many of them very incorrect, France, Spain, and Portugal, the four great empires, the Babylonian, Persian, Greek, and Roman, and even the Ottoman, are all denominated republics. If, indeed, a republic signifies nothing but public affairs, it is equally applicable to all nations; and every kind of government, despotisms, monarchies, aristocracies, democracies, and every possible or imaginable composition of them, are all republics: there is, no doubt, a public good and evil, a common wealth and a common impoverishment, in all of them. Others define a republic to be a government of more than one: this will exclude only the despotisms; for a monarchy administered by laws, requires at least magistrates to register them, and consequently more than one person in the government. Some comprehend under the term only aristocracies and democracies, and mixtures of these, without any distinct executive power. Others again, more rationally, define a republic to signify only a government, in which all men, rich and poor, magistrates

trates and subjects, officers and people, masters and servants, the first citizen and the last, are equally subject to the laws. This indeed appears to be the true, and only true definition of a republic. The word *res*, every one knows, signified, in the Roman language, wealth, riches, property; the word *publicus*, quasi *populicus*, and per Sync. *pôplicus*, signified public, common, belonging to the people; *res publica* therefore was *publica res*, the wealth, riches, or property of the people\*. *Res populi*, and the original meaning of the word republic, could be no other than a government, in which the property of the people predominated and governed; and it had more relation to property than liberty: it signified a government, in which the property of the public, or people, and of every one of them, was secured and protected by law. This idea, indeed, implies liberty; because property cannot be secure, unless the man be at liberty to acquire, use, or part with it, at his discretion, and unless he have his personal liberty of life and limb, motion and rest, for that purpose: it implies, moreover, that the property and liberty of all men, not merely of a majority, should be safe; for the people, or public, comprehends more than a majority, it comprehends all and every individual; and the property of every citizen is a part of the public property, as each citizen is a part of the public, people, or community. The property, therefore, of every man has a share in government, and is more powerful than any citizen, or party of citizens; it is governed only by the law. There is, however, a peculiar sense in which the words republic, commonwealth, popular state, are used by English and

\* See any of the common dictionaries, Soranus, Stephens, Ainsworth.

French writers; who mean by them a democracy, or rather a representative democracy: a government in one centre, and that centre the nation; that is to say, that centre a single assembly, chosen at stated periods by the people, and invested with the whole sovereignty; the whole legislative, executive, and judicial power, to be exercised in a body, or by committees, as they shall think proper. This is the sense in which it was used by Marchamont Nedham, and in this sense it has been constantly used from his time to ours, even by writers of the most mathematical precision, the most classical purity, and extensive learning. What other authority there may be for this use of those words is not known: none has been found, except in the following observations of Portenari, in which there are several other inaccuracies; but they are here inserted, chiefly because they employ the words republic, commonwealth, and popular state, in the same sense with the English and French writers.

“We may say with the philosopher\*, that six things are so necessary to a city, that without them it cannot stand. 1. The first is provisions, without which its inhabitants cannot live. 2. The second is clothes, habitations, houses, and other things, which depend upon the arts, without which civil and political life cannot subsist. 3. The third is arms, which are necessary to defend the city from its enemies, and to repress the boldness of those who rebel against the laws. 4. The fourth is money, most necessary to a city in peace and in war. 5. The fifth is the care of divine

\* Della Felicità di Padova, di Angelo Portenari Padovano Augost. edit. in Padova per Pietro Paolo Tozzi, 1623, p. 115.

worship. 6. The sixth is the administration of justice, and the government of the people.—For the first are necessary, cultivators of the land; for the second, artificers; for the third, soldiers; for the fourth, merchants and capitalists; for the fifth, priests; and for the sixth, judges and magistrates. Seven sorts of men, therefore, are necessary to a city, husbandmen, artificers, soldiers, merchants, rich men, priests, and judges\*.—But, according to the same philosopher†, as in the body natural not all those things, without which it is never found, are parts of it, but only instruments subservient to some uses, as in animals the horns, the nails, the hair, so not all those seven sorts of men are parts of the city; but some of them, viz. the husbandmen, the artificers, and the merchants, are only instruments useful to civil life, as is thus demonstrated:—A city is constituted for felicity, as to its ultimate end; and human felicity, here below, is reposed, according to the same philosopher, in the operations of virtue, and chiefly in the exertions of wisdom and prudence: those men, therefore, are not parts of a city, the operations of whom are not directed to those virtues; such are the husbandmen, who are occupied, not in wisdom and prudence, but in labouring the earth; such are the artisans, who fatigue themselves night and day to gain a livelihood for themselves and their poor families; such, finally, are the merchants, who watch and labour continually, not in wisdom and prudence, but in the acquisition of gold. It is therefore clear, that neither husbandmen, artificers, nor merchants, are parts of a city, nor ought to be numbered among the citizens, but only as instruments which sub-

\* *Arist. Polit. lib. vii. c. 8.*† *Arist. Polit. lib. vii. c. 9.*



serve to certain uses and conveniences of the city.” — We must pause here and admire! The foregoing are not only the grave sentiments of Portenari and of Aristotle, but it is the doctrine almost of the whole earth, and of all mankind: not only every despotism, empire, and monarchy, in Asia, Africa, and Europe, but every aristocratical republic, has adopted it in all its latitude. There are only two or three of the smallest cantons in Switzerland, besides England, who allow husbandmen, artificers, and merchants, to be citizens, or to have any voice or share in the government of the state, or in the choice or appointment of any who have. There is no doctrine, and no fact, which goes so far as this towards forfeiting to the human species the character of rational creatures. Is it not amazing, that nations should have thus tamely surrendered themselves, like so many flocks of sheep, into the hands of shepherds, whose great solicitude to devour the lambs, the wool, and the flesh, scarcely leave them time to provide water or pasture for the animals, or even shelter against the weather and the wolves!

It is indeed impossible that the several descriptions of men, last enumerated, should, in a great nation and extensive territory, ever assemble in a body to act in concert; and the ancient method of taking the sense of an assembly of citizens in the capital, as in Rome for example, for the sense of all the citizens of an whole republic, or a large empire, was very imperfect, and extremely exposed to corruption: but, since the invention of representative assemblies, much of that objection is removed, though even that was no sufficient reason for excluding farmers, merchants, and artificers, from the rights of citizens. At present an husbandman, merchant, or artificer, provided he has

any small property, by which he may be supposed to have a judgment and will of his own, instead of depending for his daily bread on some patron or master, is a sufficient judge of the qualifications of a person to represent him in the legislature. A representative assembly, fairly constituted, and made an integral part of the sovereignty, has power for ever to controul the rich and illustrious in another assembly, and a court and king where there is a king: this too is the only instrument by which the body of the people can act; the only way in which their opinions can be known and collected; the only means by which their wills can be united, and their strength exerted, according to any principle or continued system. It is sometimes said, that mobs are a good mode of expressing the sense, the resentments, and feelings of the people. Whig mobs to be sure are meant! But if the principle is once admitted, liberty and the rights of mankind will infallibly be betrayed; for it is giving liberty to Tories and courtiers to excite mobs as well as patriots: and all history and experience shews, that mobs are more easily excited by courtiers and princes, than by more virtuous men, and more honest friends of liberty. It is often said too, that farmers, merchants, and mechanics, are too inattentive to public affairs, and too patient under oppression. This is undoubtedly true, and will for ever be so; and, what is worse, the most sober, industrious, and peaceable of them, will for ever be the least attentive, and the least disposed to exert themselves in hazardous and disagreeable efforts of resistance. The only practicable method therefore of giving to farmers, &c. the equal right of citizens, and their proper weight and influence in society, is by elections, frequently repeated, of an house of commons,

mons, an assembly which shall be an essential part of the sovereignty. The meanest understanding is equal to the duty of saying who is the man in his neighbourhood whom he most esteems, and loves best, for his knowledge, integrity, and benevolence. The understandings, however, of husbandmen, merchants, and mechanics, are not always the meanest: there arise, in the course of human life, many among them of the most splendid geniuses, the most active and benevolent dispositions, and most undaunted bravery. The moral equality that Nature has unalterably established among men give these an undoubted right to have every road opened to them for advancement in life and in power that is open to any others. These are the characters which will be discovered in popular elections, and brought forward upon the stage, where they may exert all their faculties, and enjoy all the honours, offices, and commands, both in peace and war, of which they are capable. The dogma of Aristotle, and the practice of the world, is the most unphilosophical, the most inhuman and cruel, that can be conceived. Until this wicked position, which is worse than the slavery of the ancient republics, or modern West Indies, shall be held up to the derision and contempt, the execration and horror of mankind, it will be to little purpose to talk or write about liberty. This doctrine of Aristotle is the more extraordinary, as it seems to be inconsistent with his great and common principles\*, "that an happy life must arise from a course of virtue; that virtue consists in a medium; and that the middle life is the happiest. In every city

\* Aristot. Pol. lib. iv. c. 11.

the people are divided into three sorts, the very rich, the very poor, and the middle sort. If it is admitted that the medium is the best, it follows that, even in point of fortune, a mediocrity is preferable. The middle state is most compliant to reason: those who are very beautiful, or strong, or noble, or rich; or, on the contrary, those who are very poor, weak, or mean; with difficulty obey reason. The former are capricious and flagitious; the latter, rascally and mean; the crimes of each arising from their different excesses. Those who excel in riches, friends, and influence, are not willing to submit to command or law: this begins at home, where they are brought up too delicately, when boys, to obey their preceptors. The constant want of what the rich enjoy makes the poor too mean: the poor know not how to command, but are in the habit of being commanded, too often as slaves. The rich know not how to submit to any command; nor do they know how to rule over freemen, or to command others, but despotically. A city composed only of the rich and the poor, but consists of masters and slaves, not freemen; where one party must despise, and the other hate; where there is no possibility of friendship, or equality, or community, which supposes affection. It is the genius of a free city to be composed, as much as possible, of equals; and equality will be best preserved when the greatest part of the inhabitants are in the middle state. These will be best assured of safety as well as equality: they will not covet nor steal, as the poor do, what belongs to the rich; nor will what they have be coveted or stolen: without plotting against any one, or having any one plot against them, they will live free from danger.

For



For which reason Phocilides\* wisely wishes for the middle state, as being most productive of happiness. It is plain then that the most perfect community must be among those who are in the middle rank; and those states are best instituted wherein there are a larger and more respectable part, if possible, than both the other; or, if that cannot be, at least than either of them separate: so that, being thrown into the balance, it may prevent either scale from preponderating. It is therefore the greatest happiness which the citizen can enjoy, to possess a moderate and convenient fortune. When some possess too much, and others nothing at all, the government must either be in the hands of the meanest rabble, or else a pure oligarchy. The middle state is best, as being least liable to those seditions and insurrections which disturb the community; and for the same reason extensive governments are least liable to these inconveniences: for there those in the middle state are very numerous; whereas, in small ones, it is easy to pass to the two extremes, so as hardly to have any medium remaining, but the one half rich, and the other poor. We ought to consider, as a proof of this, that the best lawgivers were those in the middle rank of life, among whom was Solon, as is evident from his poems, and Lycurgus, for he was not a king, and Charondas, and indeed most others. Hence so many free states have changed either to democracies or oligarchies: for whenever the number of those in the middle state has been too small, those who were the more numerous, whether the rich or the poor, always overpowered them, and assumed to themselves the administration. When, in conse-

\* After Agur.

quence of their disputes and quarrels with each other, either the rich get the better of the poor, or the poor of the rich, neither of them will establish a free state, but, as a record of their victory, one which inclines to their own principles, and form either a democracy or an oligarchy. It is indeed an established custom of cities not to desire an equality, but either to aspire to govern, or, when they are conquered, to submit."—These are some of the wisest sentiments of Aristotle; but can you reconcile them with his other arbitrary doctrine, and tyrannical exclusion of husbandmen, merchants, and tradesmen, from the rank and rights of citizens? These, or at least those of them who have acquired property enough to be exempt from daily dependence on others, are the real middling people, and generally as honest and independent as any: these, however, it must be confessed, are too inattentive to public and national affairs, and too apt to submit to oppression; when they have been provoked beyond all bearing, they have aimed at demolishing the government, and when they have done that, they have sunk into their usual inattention, and left others to erect a new one as rude and ill-modelled as the former. A representative assembly, elected by them, is the only way in which they can act in concert; but they have always allowed themselves to be cheated by false, imperfect, partial, and inadequate representations of themselves, and have never had their full and proper share of power in a state.—But to proceed with Portenari. "The other kinds of men," says he, "viz. the rich, the soldiers, the priests, and the judges, are parts of the city, and properly citizens. The first, because riches are instruments for generating and conserving virtue in the citizens. The second, because it is necessary

fary that military men, besides the virtue of fortitude, should be adorned with prudence, to know the times and occasions proper for undertaking an enterprize. The third, because the priests ought to be examples of every virtue to the people, and give themselves to the contemplation of divine things. The fourth, because the judges and rectors of a city, to judge and govern rightly, have occasion more than all the others for science and prudence, which are the true lights and guides of human actions."—If these are proper arguments for admitting these descriptions of men into the order of citizens, instead of being reasons for excluding merchants, &c. they are of proportional weight for admitting them.—“As to the form of government, which is the other part of the animated city, let us say with those wise men who have written of civil dominion and public administration, as Plato \*, Aristotle †, Polybius ‡, Plutarch §, and others ||, that the simple forms of good government are three, to which are opposed three other forms of bad government. The first form of good government is monarchy, or kingdom, and is the absolute and independent dominion of one man alone, who has for the ultimate end of his operations the public good, and the best state of the city, and who has the same relation to his subjects that the shepherd has to his flock, and the father to his children. Such were the monarchies of the Assyrians, Medes, Persians, Macedonians, Scythians, Egyptians, and Romans, from the beginning of their reign to the creation

\* 4 & 8 de Leg. & in Civili, seu de Regno.

† 3 Polit. c. 7, 8. & 8 Eth. c. 10.

‡ Lib. vi.

§ De Unius in Repub. Domin.

|| Sigon. de Ant. Jur. Civ. Rom. lib. i. c. 1.

of the consuls, and, after the extinction of the Roman republic, under the empire of the Cæsars. To monarchy is opposed \* that form of government which is called tyranny, in which one alone domineers, who has no thoughts of the public good, but whose scope is to depress and exterminate the citizens, to whom he shows himself a rapacious monster after their property, and a cruel beast of prey after their lives; such as were Phalaris in Agrigentum †, Dionysius in Syracuse ‡, and Nero in Rome §. The second form of good government is aristocracy, according to which the dominion is held by those who, above all others, are adorned with virtue, prudence, and benevolence; who directing all their actions to the utility and common dignity of the city, procure it an happy and blessed state. This species of government is called also, the regimen of the better-sort (optimates), either because the best men of the city bear rule, or because they look, in all their operations, to the best and most perfect state of the city. This manner of government was used by the Spartans. To this form of government is opposed oligarchy, which is a principality of the most rich and powerful, who, for the most part, are few; who, depressing and robbing of their property the less rich, and crushing with intolerable weight the poor, make a regimen full of arrogance and of violence, and are like wolves among lambs. Such was the dominion of the Triumvirs in Rome, who having oppressed the

\* Plutar. Loc. Cit. Berof. lib. iv. Diodor. lib. i. 3. 10. Justin. lib. i. 2. 3. Oros. lib. i. & seq. Herod. lib. i. 2. Liv. et alii script. Rom. Hist.

† Val. Max. lib. ix. c. 2. Cic. Verr. 5.

‡ Cic. 2 de Offic. Plat. Epist. vii. Diodor. lib. xiv.

§ Suet. in Neron. Tacit. 14 Annal.

republic,



republic, proscribed and put to death many good citizens, and plundered their property: exalting the seditions and perverse, and abasing good men, they distempered Rome with their contagious wickedness; and of a city, the capital of the world, they made it a den of robbers\*. The third form of good government, not having a proper name, was called by the Greeks *politia*, and by the Latins, *republica*, a name common to every species of government. *This is the dominion of the multitude, viz. of the whole body of the city, composed of all sorts of citizens, rich and poor, nobles and plebeians, wise and foolish, which is also called a popular government.* All this body, which contains men, some endowed with prudence and wisdom, some inclined to virtue and persuadable to all good works, by the conversation and familiarity which they have with the prudent and learned, employ all their care, labour, and industry, to the end that the city flourish in all those things which are necessary and convenient for living well and happily, such as was at one time the government of the Athenians†. To this species of good government is opposed democracy; according to which the most abject plebeians, and the vilest vulgar, hold the domination for their own private interest, by which they oppress the rich and the noble, and aggrandize and enrich the poor and the ignoble, as the two brothers, the Gracchi, began to do in Rome‡.

“Three, therefore, are the simple forms of good government, monarchy, aristocracy, and that which by a common name is called a republic;

\* Appian. 4 de Bel. Civ. Plut. in Ant.

† Plut. de Unius in Rep. Dominio. Thucid. lib. ii. in Orat. Periclis. Sig. de Repub. Athen. lib. i. c. 5.

‡ Appian. 1 de Bel. Civ. Plutarch in Gracchis.

from which, mixed together, four others may result. The first is of the three all compounded, as was that of the Lacedemonians, instituted by Lycurgus\*, which, *selecting the good from the three former, composes one of the most perfect kind*. Such also was the Roman republic†, in which the power of the consuls was like the regal authority; that of the senate was aristocratical; and that of the people resembled the popular state. The second form of mixed government is composed of monarchy and aristocracy, such as, according to some, is the most serene republic of Venice‡, in which the annual podestas have a power similar to a regal authority, and the senate are an assembly or collection of the optimates; although others contend that it is a perfect aristocracy. The third is mixed of a monarchy and a republic; and the fourth of a republic and an aristocracy: of which two species of mixed government we have no examples to alledge.

“ But to return to the three simple forms; it is the common opinion of the learned §, that monarchy holds the first rank above all others, resembling the power of God Almighty, who alone governs the world; resembling the heart, which alone vivifies all the parts of the animal; and resembling the sun, which alone illuminates the celestial bodies, as well as the lower world. It is very true, that to a monarchy ought to be elevated only

\* Polyb. lib. vi. Sigon. de Ant. Jure Civ. Rom. lib. i. c. 1.

† Bellarm. de Roma.

‡ Boter. Relat. Venet. p. 1. Sabellic. lib. iii. lec. 2.

§ Plat. in Civili vel de Reg. Arist. 8 Ethic. c. 10. & 3 Polit. c. 10. Philo. lib. de Conf. Linguar. Senec. 2 de Benef. Herod. lib. iii. Hom. 2 Iliad. v. 204.

that

that citizen, according to the philosopher\*, who, exceeding the others in the ordinary course, in riches, wisdom, prudence, and benevolence, is like a god upon earth; such as would be the man who should be adorned with heroic virtue, according to which, performing all the labours of virtue in the utmost perfection and supreme excellency, he would appear to be not the son of a mortal†, but of God. But it being impossible, or at least most difficult, to find a man so rare, hence it has happened, that, laying aside monarchy, the philosophers have disputed which of the other two forms of good government is better accommodated, more practicable, and more profitable, for the regimen of cities and of peoples. Some were of opinion that this praise was due to an aristocracy: nevertheless Aristotle confutes them, because in the aristocratical government the magistracies and the honours being always in the hands of a few, there is great danger that the multitude, perpetually excluded from public management, should be tumultuous, and conspire against the lives of the principal men, to the great damage of the whole city; because in these revolts the force and violence of the people regards neither friends nor enemies; it is mad, and most horribly pillages, murders, and abuses, all that comes in its way. It remains then, that the third species of good government, which is the popular government, in which alternately the citizens command and obey, is the most useful, and better adjusted to the nature of man, in whose soul the Divinity has stamped the desire of dominion; with such limitations and temperaments, however, as, says the same philosopher, that the vile plebeians

\* 3 Polit. c. 11.

† 7 Eth. c. 1.

may not have magistrates appointed for their ignorance and imprudence, which are the two fountains of all civil calamities; but that the plebians may not be totally despised, and that all occasion of insurrections may be taken away, that the faculty be given them of joining with the other citizens in the election of magistrates, and in calling them to account for their administration."—All these opinions appear to be not unbecoming; for, although the plebeians be not qualified of themselves to judge who are fit for the administration of the affairs of the city, and to know the failings of those who have governed, nevertheless, by the conversation and practice which they have in such things with the wise men, it is presumed that, from daily intercourse with these, and from common fame and public reputation, which daily circulates concerning men who are wise and good in government, they may have so much light, that they may discern the apt from the inept, and good behaviour from bad.—This may suffice to have said concerning the different forms of government, according to the writers before cited, in order to explain the following account of the form of government in Padoua, and the various changes it passed through.

452. In the four hundred and fifty-second year of the Christian æra Padoua was miserably destroyed by Attila, king of the Huns.

The Padouans, who then fled for safety to the islands in the Adriatic, could not for fifty years return to rebuild their city, for the many armies of barbarians who infested Italy till 493, when Theodoric, king of the Ostrogoths, killed Odoacer, king of the Heruli, and remained unrivalled in the dominion of Italy. But Justinian, the emperor, having,



having, in 535, sent Belisarius, and afterwards, in 552, Narfitte, to drive away the Goths from Italy, Padoua, in that war, which, with alternate victories and defeats of the Goths and the Greeks, lasted eighteen years, was sometimes by one and sometimes by the other subjected. Afterwards, under the government of exarchs, till 601, it was a second time burned and destroyed by Aginulphus, king of the Longobards. It was afterwards restored by the Padouans, assisted by the Venetians, and remained under the dominion of the Longobards, till they were exterminated by Charlemain, king of France, in 774. It continued subject to the kings of France of the race of Charlemain, and after them to the Berengarii, and finally to the emperors of Germany, from Otto the First to Henry the Fourth, according to the German, and the Third according to the Italian historians. In a word, Padoua lived under foreign laws six hundred and twenty-nine years, viz. from 452 to 1081; thirty-three years before which period, viz. in 1048, began to dawn a few rays of liberty, since the emperor, Henry the Third, as appears by public instruments preserved in the archives of the cathedral of Padoua, granted, for the repose of his soul, and that of Agnese his wife, to Bernard Maltraverse, bishop of Padoua, the prerogative of coining money, building fortresses and castles with towers and ramparts, erecting mills, and to be as it were prince of the city. Afterwards Henry the Fourth, his son, at the solicitation of the queen Bertha, his wife, and for the prayers of Milo, bishop of Padoua, his relation, in 1081, gave liberty to the Padouans, with this concession, that for the future they might live according to their own laws, and have a triumphal

535.

552.

601.

774.

1081.

1048.

1081.

phal chariot (*carroccio*), which was the principal sign of a free city\*.

This *carroccio*, for a perpetual memorial of the benefit received by the intercession of queen Bertha, was by the Padouans called by her name. Henry also granted them the faculty of making of the body of their nobility a senate, who, for the government of the city, created annually two consuls†. There was therefore formed a government mixed of monarchy and aristocracy, says the historian; of monarchy, because the consuls, according to the manner of kings, had the power of life and death; and of aristocracy, because the senate, exclusively of the plebeians, was composed only of patricians or nobles. These, as the desire of enlarging dominion is insatiable, not contented to have the government of the city, procured, partly by Imperial grants, and partly by other means, to have jurisdiction of blood in their castles situated in the country of Padoua, assuming the titles of *proceri*, peers or barons, and a little afterwards of *marquisses*, counts, and *castellans*. Padoua was ruled by this form of government about eighty years, in peace and tranquillity: but peace being the nurse of riches, and riches of ambition, the consular dignity began to be ardently desired by all men, and caballed for by every artifice. In the progress of these contests, as one would not give way to another, and the whole depending on a few of the most powerful, the city became divided into factions, which finally, in 1177, came to arms, and civil wars ensued, which for some years filled

1177.

\* See a description and stamp of the Padouan *carroccio*, in Portenari, lib. v. c. 5 and 6.

† Sigonius, de Reg. Ital. lib. ix. an. 1081.

the city with mutual slaughter, burnings, revolt, and confusion; so that the consulate becoming feeble, was now intermitted, and then exercised, according as the power of different parties prevailed. But, finally, this magistracy serving no longer for the maintenance of the public good, but merely as an instrument of revenge against enemies, and having become most pernicious, not only to the plebeians, but to the patricians, it was, in 1194, abrogated and totally extinguished.

1194.

The good government, composed of monarchy and aristocracy (as our author calls it, though nobody will agree with him in opinion at this day), being changed, by the malice of men, into the bad one of oligarchy, and this by its noxious qualities being in a short time annihilated, there arose another species of government, mixed of monarchy and a republic, in this form:—The Padouans instituted four councils; the first was of eighteen, whom they called the Anciani, three of whom were drawn by lot every three months: they were afterwards reduced to the number of sixteen, and the drawn to the number of four every four months. The office of these magistrates was, together with the podesta, to exert themselves with all their influence and power to conciliate and appease all discords and dissensions among the citizens, not only in civil affairs, but in criminal prosecutions; to see that the decrees of the senate regarding the public utility were observed; that the buildings going to decay should be rebuilt or repaired; that the streets, public roads, and walks, should be kept adjusted, free, and unincumbered with obstructions; that in the principal quarters of the city should be provided engines for extinguishing or preventing the progress of fire, as casks, vases for drawing water, cordage for making

making ladders, pickaxes, iron bars, &c.; and, finally, to suggest to the other councils all those things which might be of public utility: and that they might be enabled to do this, all public letters from foreign princes, and from all magistrates within the dominion of Padoua, were read in their presence. No man was admitted to this council of the anciani who was not a Padouan by birth, and an inhabitant of the city, for at least thirty years without interruption, and who had not a foundation of property among his fellow-citizens of at least two hundred pounds a year.—The second council was called the Lesser Council, which at first consisted of forty citizens, partly noble and partly plebeian, but afterwards was increased to the number of sixty. The authority of this council was such, that nothing could be treated in the greater council if it were not first discussed and agitated here, and from hence proposed to the greater council. The mode of discussing and consulting upon business was by the way of orations or harangues made by the senators, after which they proceeded to a vote, and two thirds of the suffrages determined the question. This rule was also observed in the greater council. This council was changed every four months, and the senators who had once been in it must be excluded for eight months. Father and son, brothers, and uncle and nephew, were not permitted to sit together in it. To be of this council it was necessary to be a Padouan by origin, to have a father who was a Padouan by birth, to have inhabited in Padoua with a family at least for forty years continually, to have an estate of fifty pounds income, and to have submitted to the offices of the commons of the city.—

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The third council was called the Greater Council, or Parliament: it was at first of three hundred senators, one moiety nobles, and the other moiety plebeians; it was afterwards increased to the number of six hundred, and finally, in 1277, to a thousand, in which were chosen the magistrates, and all affairs relative to peace and war were deliberated. By these two councils, the greater and the less, were made, at divers times, various municipal laws and statutes, of which, by a determination of 1263, were made four copies. The first was deposited in the monastery of St. Benedict, the second in that of St. John, the third in that of St. Mary, and the fourth in that of the fathers of St. Mary di Porciglia.—The fourth and last council was common to all the people of the city, into which, the doors being open, every one might enter: but this council was very seldom assembled, and never but for things of the utmost importance.—The Padouans, desirous of providing a remedy against the disorders and mischiefs occasioned by the consulate, and to extinguish in the citizens all occasions of ambition to enjoy the government of the city, invented the annual magistrate of the *podesta*, which was the best medicine that could be thought of by them to cure the disorders already felt, and prevent the greater that were apprehended. They created, therefore, for ruler of the city, a foreign personage, of noble blood, and excellent reputation for virtue, who, by the weight and eminence of his authority in cases of life and death, and from his superintendence over all the judicial authority, civil and criminal, from the more absolute obedience paid him as the supreme head of all the other magistracies, of the patricians, of the plebeians, and of the rustics, and, in a word,

1277.

- from his absolute power, as it is called, over the city and its territory, was called, by way of eminence, by the name of Podesta.—This manner of government continued happily enough, as it is said, till
1237. 1237, when the city was subjected by Ezzelino, of Romagna, who most terribly afflicted and most cruelly tormented it for the space of nineteen years; in which time there was no sort of torment, inhumanity, or cruelty, which it did not suffer from that infernal monster, under whose tyranny that most malignant pestilence, the factions of Guelphs and Ghibellines, which, under the name of the Imperial party, and the party of the Church, had infected many cities of Italy, and among others distempered Pistoia, and did inestimable mischief.—Before we pass on, it may be well, for the more complete information concerning this magistrate of the podesta, to relate a few particulars. The podesta was obliged, three months before the end of his government, which lasted one year, to assemble the greater council, and cause to be elected eight citizens, four noble and four plebeian, of more than thirty years of age: these elected twelve senators of the same council, and of the same age, six of the patricians and six plebeians; who, in like manner, elected eight others of the same council, age, and condition, the office of whom was to elect the new podesta. These were shut up together in one apartment, and could not speak to any one, or have more than one repast a day, that they might the sooner agree in the nomination of three personages, who were afterwards carried to the greater council, who proceeded to the election in this manner: All three were separately ballotted for, and he who had the most suffrages was the new podesta; he who had the next number of votes held the second place; and

and he who had fewest the last, in such election. The syndick of the city was sent in haste with public letters to him who had been honoured with most votes, who, if he accepted the charge, was understood to be podesta; but if in four days he did not accept it, the syndick was sent to the second; and if he refused, the third was sent to; and if he declined, a new election was made of other three persons; and of the acceptance or refusal of these a record was made by a notary.

This method of electing the podesta was changed in 1257, since the examination of the subjects fit for the podestarate was committed to the lesser council, the election of whom afterwards was made by the greater council, with this condition, however, that the electors of the present podesta could not have a vote in the election of the subsequent podesta, by virtue of a statute made in 1236. No man could be elected podesta who had in Padoua relations, by consanguinity or affinity, within the fourth degree, nor who had been banished from his country for forgery or treason; and this was also understood of the court or retinue which the podesta brought with him, which consisted of four judges or assessors, two lieutenants of police, and some other satellites. The office of the first judge was to assist the podesta in all things belonging to the government of the city; the other three judges had the charge of hearing and trying the criminal causes, each one for three months, which was ordained to remove all occasion of suspicion that the accused by length of time might possibly corrupt the judges: but these orders were afterwards changed, and it was resolved that the first judge, who must be an eminent doctor of laws, should be the vicar of the podesta, that the second should judge criminal causes, the third  
N 3 should

should have the charge of the provisions, and that the fourth should be questor and receiver of the public money. The podesta, judges, and lieutenants, could not have with them in Padoua their wives, nor other ladies their relations, unless for fifteen days, on occasion of infirmity, nor even their brothers, sons, or nephews, more than twelve years of age, nor servants who should be Padouans. The podesta was obliged to bring with him his two lieutenants, twelve satellites, twelve horses, twelve valets and servants, and all this family and these horses maintain at his expence, for the public service of the city. His salary was two thousand five hundred pounds a year, and was afterwards increased to four thousand. The podesta was required to come to Padoua eight days at least before possession was given him of the podestarate, in which time he was obliged to take the oath of office, viz. to swear that he, with his judges, would govern without ambition, and justly, and that they would give the greatest attention to the affairs of the public, and with all their power would conciliate and pacify the controversies and discords of the citizens. The podestarate began on the first of July; but in 1280 it was decreed to begin the first of January. This magistracy at first continued for a year; but in 1294 a law was made that it should endure only six months, and that two podestas should be created each year, one of whom should begin his administration with January, the other with July; which law was observed as long as the republic of Padoua remained: but after that Padoua became subject, now to the emperor Henry the Seventh, now to Frederic duke of Austria, now to his brother Henry duke of Carinthia, now to the Scaligers lords of Verona, and then to the duke of Milan,



Milan, and finally to the Carraresi, this custom of two *podestas* went into desuetude. The *podesta*, when once in possession of his office, was bound to execute the following orders:—First, in the space of three days, to cause to be read, and afterwards to cause to be punctually observed, the papal constitutions against heretics. Secondly, to reside continually in the city, and rule it until the arrival of a successor. Thirdly, during the whole time of his administration, to hear the causes of all persons indifferently, to which end the gates of the palace, except at the hour of dinner, should always stand open. Fourthly, that, together with the *anciani*, he should use all his endeavours that the *canonicates*, and the other ecclesiastical benefices, of the bishopric and diocese of Padoua, should be conferred on citizens of Padoua, or of her district. Fifthly, to elect eight citizens, men of prudence and experience, two for each quarter, who should make choice of four or five hundred able men, who, when they should hear the sound of the palace bells, should come armed, under their standards, to the palace of the pretor, and to the *piazza del Vino*, for the defence of the *podesta*. Sixthly, to give orders that, at the sound of the great bell of the tower of the palace, all the citizens and inhabitants of Padoua, from sixteen to sixty years of age, should run armed to the *piazza* to defend the common liberty. Seventhly, to create a captain, who, with some soldiers, should have the custody of the city and its suburbs. Eighthly, to hold, night and day, guards at the gates of the city. Ninthly, to give orders that in the city and in the suburbs should be kept cross-bows, and other weapons, to exercise the soldiers. Tenthly, to cause to be enrolled in the militia many men of the villages, who, according to occurrences, should come armed

to the city. Eleventhly, in all great tumults to order into the piazza the standards of the community; in which case standard-bearers of the arts, at the sound of the bells of the palace, were held to go to the piazza del Vino, with the men under their command, armed, ready to obey whatever orders the podesta should issue, and there assemble, to be formed into a body, under the ensigns of the community, which could not depart from the piazza without the express command of the podesta himself, for whose guard there were always five hundred soldiers elected, one hundred from the body of the patricians, and four hundred from the plebeians, distinguished into four squadrons, under four standards. Twelfthly, that for eight days before the arrival of a successor, the podesta cannot give sentence in civil or criminal causes. Thirteenthly, that having finished his podestarate, he, his assessors, and courtiers, should remain fourteen days in Padoua, to render an account before the syndick of their administration, which is done in this manner: For the three first days it was lawful to every one to accuse the podesta, assessors, and courtiers, before the syndicks, of any wrongs or injuries done them: in the eight following days these complaints were determined by the votes of the major part of the syndicks; and if, by the multitude of complaints, or by differences of opinions among the syndicks, or through other reasons, the business could not be finished, three other days were added, in which the syndicks were obliged to determine it. From the defence against the complaints made against the podesta were excluded all his favourites, friends, and relations, and all advocates; his own judges and assessors were alone admitted, and were thought sufficient for his defence. At the end of  
the

the fourteenth day the podesta might depart with his family. He could not be confirmed in the podesterate for the next year, nor for the five following years; neither himself, nor any of his relations, could hold any office, dignity, or honours, in the city of Padoua; and this was understood of the assessors, lieutenants of police, and other officers: but this statute was very often not observed. As population augmented, and causes and controversies multiplied, and therefore the podesta and his assessors could not determine the whole, certain other judges were instituted, and called Judges of the Lower Courts, and were distinguished from each other by the names of animals, for the most part, as the bear, the horse, the leopard, and others. For the suits arising between relations, two judges were instituted as arbitrators, who, in the space of two months, were to give sentence, and terminate the controversy: and if they could not agree, they called in ten jurors for each party, and if these disagreed, the podesta himself, in the space of fifteen days, sat in judgment with the rest, and decided the cause.

As to the government of the territory, it is to be observed, that some of the most rich and powerful citizens of Padoua had the name of proceres, noblemen or barons, and in some of their landed estates and places they exercised the jurisdiction of blood, that is, the power of life and death; and to ennoble their dominions, manors, or lordships, with the magnificence of titles, in the year 1196 they distinguished themselves into marquisses, counts, and castellans. The lords of Este were entitled marquisses; the lords of Anguillara, Abano, Argua, Baone, Bibano, Borgoricco, Calaone, Rusta, Cerro, Calcinara, Caldenazzo, Candiana, Carturo, Castelnovo,

1196.

nuovo, Cortaloro, Fontaniva, Honara, Limena, Lozzo, Montebello, Montebuto, Montemerlo, Manchia, Nono, and Piazzola, were called counts; the lords of Carrara, Camposanpiero, Montagnone, Peraga, Pievedisacco, Publica, Revolone, Ronchide Campanili, Stra, Selvazzano, Tortula, Villa Rapa, Tribano, Galzignano, Noventa, Treville, and Villa Nova, were denominated castellans. But the castellan of Selvazzano having caused to be cut out the eyes of a certain woman for theft, who afterwards came, deprived of her eyes, to Padoua, the cruelty of this action displeased the republic of Padoua so much, that, in the year 1200, a law was made, that, under pain of death, no man should, for the future, exercise any jurisdiction in the territory of Padoua, which law was re-enacted and confirmed in 1205. The jurisdiction of life and death, and all other jurisdiction, being taken away from these grandees (*magnati*), the whole territory was governed by the *podesta* of Padoua; and afterwards, in the course of time, the republic of Padoua sent a *podesta* into the following districts of land, viz. Conselve, Lonino, Montagnana, and twenty-four other districts. The custom of sending *podestas* into those districts continued till 1290, when a statute was made, that places which were not walled should not have a *podesta*, but that into some of them vicars only should be sent. Such, then, was the government of Padoua, from the year 1194 to the tyranny of Ezzelino, mixed of monarchy and a republic, and this constitution was restored after the delivery of the city from that fierce and cruel oppression, and lasted happily for fifty years, with a remarkable increase of the city in riches and power; and would have lasted much longer, if the cursed factions of Ghibellines and Guelphs had



had not disturbed the peace of the citizens, which afterwards, by little and little, by means of the poison of those factions creeping in their hearts, afflicted the city to such a degree, that, finally, in the year 1318, it took away their vital spirits, depriving them of their beloved liberty. 1318.

The parties of Ghibellines and Guelphs, under the names of the Empire and the Church, sown in the hearts of men by the enemy of the human race, had intoxicated Italy, and contaminated the city of Padoua. So says the historian; and without denying to the devil his share in the instigation of all such party distinctions and animosities, it must be still insisted on, that the essential defect in the constitution of every Italian republic was the greatest cause, and the instrument with which the infernal agent wrought. The parties of rich and poor, of gentlemen and simplemen, unbalanced by some third power, will always look out for foreign aid, and never be at a loss for names, pretexts, and distinctions. Whig and Tory, Constitutionalist and Republican, Anglomane and Francomane, Athenian and Spartan, will serve the purpose as well as Guelph and Ghibelline. The great desideratum in a government is a distinct executive power, of sufficient strength and weight to compel both these parties, in turn, to submit to the laws. The mischiefs of these contagious parties were greatest under the tyranny of Ezzelino, who, being standard-bearer and head of the Imperial or Ghibelline party, exerted all his force to extirpate the Guelph party, followed by the people, and a great part of the patricians. After his death the Guelph party rose, and with all their power persecuted the Ghibellines, driving them from the city, and spoiling them of all their goods; and as the plebeians of Padoua were devoted to the Guelph party, whether from

from their natural inclinations, or because the Guelphs had delivered the city from the empire of Ezzelino, upon this occasion certain profligate popular men became, by the favour of the plebeians, heads of the Guelph faction, became proud, arrogant, and presumptuous, desiring that all the affairs of the republic should depend upon their will; but suspecting that some of the principal gentlemen, to whom so much pride of the Guelphs had become disgusting, would oppose their ambitious enterprizes, gave the plebeians to understand, that those gentlemen intended to make themselves sole masters of the government; and excited so great a commotion, that the plebeians, who, as in adverse fortune they are servile, so in prosperity are insolent, demanded in a turbulent manner, and obtained by threats and by force, the institution of a magistrate, according to the usage of the Roman republic, like a tribune of the people, (the Padouans called these magistrates *Gastaldi dell' Arti*), who should defend the rights of the plebeians, and have authority to rescind all those determinations of the senate, as was the custom in Rome, which could occasion any prejudice to the jurisdiction of the plebeians. Wherefore, in testimony of the power granted to the tribunes, it was, by a decree of the senate, in

1293. 1293, ordained, that every *podesta*, in the beginning of his administration, should assign to each of the *gastaldi* of the arts the standard of that art; and this tribunian magistracy advancing every day in power, caused to be made in its

1296. favour, in the year 1296, a statute, that on the first Sunday in every month the *gastaldi* should all assemble in the church of the palace of the commons, and treat fully of all things that belonged to the state of the city. The whole government  
of

of the city, by this alteration, devolved into the hands of the tribunes, because, as has been said before, they annulled or confirmed, at their pleasure, the determinations of the greater council, and because they carried up to the council whatever they had concluded among themselves, with a certainty of obtaining their concurrence, by the dependence which they had upon the popular senators, and also upon the less powerful of the noble senators, whom they had drawn to their devotion by electing them to the honours of the city, and by assuming some of them into the number of the tribunes, from which magistracy, and universally from all the greater honours, they always most arbitrarily excluded the most powerful of the nobles. From this disorderly and violent domination of the tribunes, who had for the most part greatly enriched themselves, grew intestine hatreds and terrible seditions between the primary persons and the heads of the popular party, of whom the patricians of middling power, exalted by the people to honours, became the factors; and, finally, some of the primary gentlemen and most powerful patricians, not being able any longer to bear to be neglected by the tribunian power, took up arms, killed the principal heads and defenders of the plebeians, and in such a manner intimidated those patricians who adhered to the plebeians, that, after many engagements, and a profuse effusion of blood, the tribuneship of the people was abolished in the year 1314, and the government and the public authority was transferred to the patricians, excluding totally the plebeians. These, in order to keep down the Ghibellines, increased the senate (which, from the time of the extinction of the house of Honara, had been only of three hundred members) to the number of a thousand, incorporating seven hundred Guelphs;

1314.

- Guelphs; and wishing that all questions and matters relative to peace or war should depend wholly on the Guelph faction, and the better to establish the superiority of their party, they instituted another council, wholly of Guelphs, which had authority to approve or reject the decrees of the greater senate: from the body of this lesser council were created the four *anciani* conservators of the liberty, and eight secretaries for the custody of the city. This
1318. mode of government continued till the year 1318, when Padoua began to lose her liberty, which she afterwards wholly lost, remaining subject sometimes to the Germans, sometimes to the Scaligers, sometimes to the Carraresi, until, finally, after infinite calamities, she was benignly received into the pious bosom of the most serene republic of Venice, in the
1405. year 1405\*. Such, as have been related, were the vicissitudes of the government of the city of Padoua after the tyranny of Ezzelino, which may be recapitulated thus: According to the historian, at first it was a mixture of monarchy and a republic; afterwards it was changed into a democracy, for such he denominates the tribuneship of the plebeians, in which the people attempted the abasement and annihilation of the grandees; and finally it terminated in a government mixed of monarchy and aristocracy, having the senate of the optimates, and creating the *podesta* annually; for the major part of the time, from 1081 to 1318, it was governed by one or other of the two best species of mixed government, as our historian thought, which are composed of monarchy and aristocracy, and of monarchy and a republic.

This sovereignty of Padoua was, for the most part, in one assembly, for although a check was aimed at by the law, that nothing should be done

\* Laugier, vol. v. p. 236.



in the great council, which had not been previously debated in the little council, yet, when any thing was proposed by the latter to the former, they sat together and voted as one assembly. At some times the sovereignty was clearly in one assembly of optimates or patricians; at another, in one assembly of plebeians, as that of the tribunes was: at last two assemblies were formed, with each a negative; but there being no third power to mediate between them, no balance could be formed or maintained between them. At no time had the monarchical power, either under the consuls, anciani, or podestas, a negative; for though the podesta was an office of great dignity and splendor, he never had the whole executive power, nor a negative on the legislative. The nobles and commons were mixed together in both councils; and the executive power, the appointment of officers, &c. was always in one or other of the assemblies: and the consequence was instability to the laws, insecurity to life, liberty, and property, constant rivalry between the principal families, particularly the Scalligeri and Carraresi, which ended in conquest and subjection to Venice. From 1103 to 1194 the government of consuls continued. From 1195 to 1236 the government of podestas under the republic of Padoua. From 1237 to 1256 the tyranny of Ezzelino was supported. From 1257 to 1294 the government of podestas, under the republic, was revived and maintained. From 1295 to 1311 they had two podestas. In 1312 Gerardo de gl' Inzola da Parma was Imperial vicar for the emperor Henry the Seventh, to whom the Padouans began to yield obedience; though they rebelled again this year against his authority, and the podestas and republic were revived and continued till 1318, in which

which year Giacomo Grande da Carrara was made the first lord of Padoua: he governed one year and three months, and then renounced the dominion, and died in 1324. In 1319 a podesta again for one year. In 1320 the city of Padoua, to deliver itself from the siege of Cane Scaligero, lord of Verona, gave itself to Frederick the Third, emperor, and duke of Austria, who afterwards gave it to his brother Henry, duke of Carinthia, under whom they were governed by podestas, who were at the same time Imperial vicars, till 1328. The podesta of this year was dismissed by Marsilio da Carrara, who had been elected by the people lord of Padoua, who, however, made Pietro de i Rossi, of Parma, podesta; but he not being able longer to resist in the war with Cane della Scala, married Tadea, daughter of Giacomo Grande da Carrara, first lord of Padoua, to Mastino dalla Scala, nephew of Cane, giving him Padoua in dower. From 1329 to 1337 Padoua was governed by podestas, under the dominion of the Scaligers. In 1337 Marsilio da Carrara having expelled the Scaligers, was made the second lord of Padoua, and governed in 1338. In 1338 Marsilio da Carrara, second lord of Padoua, died, and to him succeeded Ubertino da Carrara, third lord of Padoua. From 1339 to 1345 the government of podestas continued under the princes Carraresi. In 1345 Ubertino da Carrara, third lord of Padoua, being sick, caused to be elected for his successor Marsilietto Papa fava da Carrara, who was the fourth lord of Padoua, and died; but the same year Marsilietto was killed by Giacomo da Carrara, who became the fifth lord of Padoua, and under him the government of podestas continued till 1350, when Giacomo da Carrara, the fifth lord of Padoua, was  
assassinated

assassinated by William da Carrara, a natural son of Giacomo Grande, the first lord; to whom succeeded Giacobino da Carrara his brother, the sixth lord, and Francesco da Carrara, surnamed the Old, his son, and seventh lord of Padoua: under these the government by podestas continued till 1362, when Francesco da Carrara the Old imprisoned his uncle Giacobino da Carrara, because he had conspired his death, and reigned lord alone till 1388, when Francesco da Carrara renounced the dominion of this city to his son Francesco da Carrara, called the New, eighth and last lord of Padoua. The same year, in November, both the father and the son were deprived of the government of this state by John Galeazzo Visconte, first duke of Milan, who governed it by podestas for the years 1388 and 1389, when Francesco da Carrara, called the New, drove out the people of the duke of Milan, and recovered Padoua and its district, except Boffano. From 1390 podestas were continued till 1405, when the Carrara were conquered, and Padoua admitted into the republic of Venice. In 1393 Francesco da Carrara, surnamed the Old, seventh lord of Padoua, died in a prison in Monza, to which he had been sent by John Galeazzo Visconte, duke of Milan.

1362.

1388.

1405.

## L E T T E R IV.

M A N T O U A.

Dear Sir,

**E**QUICOLA concurs with Leonardo Arc-  
tino, and all the other Italian writers, in his  
account of the antiquity, riches, and power of  
the Tuscans, Etruscans, Etrurians, Tyrrhenians,  
or Dodicapoli (for by all these names they were  
known), their original emigration from Lydia,  
their government of Lucumoni, their twelve  
confederated peoples, their subjection in a course  
of time to the Romans, Goths, Longobards, and  
Charlemaign, who for his merit was, in the year  
800, created emperor, with the titles of Cæsar and  
Augustus, by the pope Leo the Third, who un-  
derstood the effects upon the minds of the people of  
words and titles so anciently beloved as well as  
dreaded in Italy. He gave him also the title of  
Great, which had been before given only to three  
princes, Alexander, Pompey, and Constantine.  
The authority which the Roman senate and people  
had anciently exercised, of electing and confirming  
the emperors, was now by Charlemain trans-  
ferred to the Roman pontificate; and to prevent sedi-  
tions, the power of confirming the pontiff was  
given to the emperor:—a promising alliance!

800.

1002. Afterwards, in 1002, Gregory the Fifth ordained  
a constitution, which continues to this time,  
that the election of future emperors should be  
free in the power of the Germans, and the ec-  
clesiastical



clesiastical and temporal electorates were then created\*.

In 1111 Mantoua fell into discords, threw off her subjection to Matilda, and assumed an independence; but being besieged and reduced to great distress, was obliged to submit again to that princess. 1111.

In 1114 Sigibert, an enterprizing man, took the opportunity of the troubles in Italy to aggrandize himself, and going from Lucca, he made himself lord of Parma and Reggio. He was a Lombard by descent, and was prefect or lord of those cities. Sigibert had three sons, Sigibert the Second, Atto, and Gerardo; two of them died, and Atto alone remained, who by the change of the letters was afterwards called Azzo. He fortified Canossa, in Reggiano, and there inhabited as his principal seat, whence his descendants were called da Canossa. He had two sons, the first of whom was named Tedaldo, and the other, uniting the names of his grandfather and father, was called Sigibertazzo, although it was afterwards corruptly called Albertazzo. This person was sent into Germany, and recommended himself to Otto, the emperor, so effectually, as to obtain a grant for his services of Calaone, Monfelice, Montagnana, Arquì, and *Este*, with the title of marquis. He married Alda, a natural daughter of the emperor. From this match there issued two sons, Ugo and Falco: the latter remained in Germany with his mother; Ugo came into Italy with his father, and succeeded to the lands above mentioned, and to the marquisate of Este. From this Ugo are descended the illustrious lords of the house of Este, who reigned so long in Ferrara; and from them were descended the family that was called the Canossi of Verona. 1114. Sigibert.

\* Equicola, p. 25, Commentari Mantouani.

1265. There was in Mantoua, in 1265, four most powerful families, and four others their adherents, of somewhat less influence. The Bonacolfi and Grossolani inhabited one quarter; the Arlotti and the Poltroni another: these not long before had driven out the Calorosi. In a third quarter were the Casaloldi and those of Riva; and in the fourth, the Zenacalli and the Gaffari.

The government was, as in all the other cities of Italy, in one centre, a general council, who first appointed consuls, then podestas, then gonfaloniers, captains of the people, &c. which produced the usual struggles for power; and in 1266. the year 1266 the Gaffari entered into a secret conspiracy to deliver the city of Mantoua into the hands of the Estensi, lords of Ferrara. The treason was discovered, and those who saved their lives by flight were banished for ever, and the others instantly put to death, and the houses of all who were accomplices or privy to the crime were burnt and demolished. The power of individual citizens increased every day, and parties and factions in consequence. The podesta, though a foreigner was usually created to that office, administered its functions according to the will and pleasure of a small number of the principal men. The justice of power, or the right of the strongest, was inculcated, and equity gave way to violence\*. In such a tumult of the factious, the prudent men called a convention, to deliberate on a new form of government. Some were for ephori, as

\* Cresceva ogni dì piu la potenza de particolari, & augmentavansi le fattioni & parti. Il podestà, quale forestiere si solea creare, ad arbitrio di alcuni pochi amministrava, il suo officio: la gius titia dalla forza era conculcata, & l'equità cedeva alla violenza. *Commentari Mantouani, di Equicola, p. 47, 48.*

in Sparta; others for *cosmi*, as in Crete; others for *suffetes*, as in Carthage: but the most were for *hipati*, as in Greece, or rather for two consuls, as in Rome. Two magistrates were therefore created; and that they might be sure to guard against ambition, they must be chosen in rotation every six months, two at a time, from each of the four quarters of the city. These were to be called captains of the people, and were to be the protectors of the plebeians, and defenders of their liberties. Two magistrates, therefore, from the body of the nobility, were appointed, in the nature of tribunes of the people, and those were Pinamonte, of the family of Bonacolsi, and Ottone, of that of Zenecalli, in the year 1274. These had not continued one month in office together, before such animosities arose between the two families, that Zenecallo was treacherously called in the night into the palace, under pretence of consulting upon some sudden affair of the last importance, and there murdered by the Bonacolsi. The next morning the Bonacolsi called together the principal nobility, and, with fictitious grief and pharisaical tears, communicated the fact, and exhorted the people to revenge, wishing that every one might believe that the deceased magistrate had been assaulted and put to death by some private enemy. An inquiry was ordered, which engaged so much attention, and took up so much time, that no man spoke of any successor, and therefore Pinamonte governed alone. The scramble for power was as yet altogether among the gentlemen. Benvenuto da Imola, in his Commentaries upon Dante, where he reasons of Mantoua, writes, that this city had been inhabited by gentlemen of Riva, of Mercaria, and of Casaloldi; and that Bonacolsi had agreed with these houses to expel

from

1274.

from the city every other nobleman; and that afterwards, forming a particular agreement with two of them, he drove out the third; and then uniting with the Casaloldi, he banished the second; and, finally, driving out the Casaloldi, he remained alone, and by artifice, assisted with force, continued without a colleague in the magistracy; and taking for his podesta Alberto della Scala, for a stricter union he obtained the place of podesta in Verona for Giannino de Bonacolfi, not failing to maintain a good intelligence with the marquis of Este. By all these arrangements he easily obtained from his followers the prolongation of his own power for another six months; and when he had thus laid his foundations sufficiently strong to support any edifice, he assumed the title of captain-general. These encroachments were very uneasily supported by the nobles, who perceived that from free citizens they were become, by little and little, the subjects of a tyrant. Whereupon the Arlotti, the Casaloldi, the Agnelli, and the Grossolani, conspired together to throw off the yoke: but Pinamonte being informed of the plot on the very day on which it was to have been executed, and being well prepared, he fell unexpectedly on the conspirators, one after another, some of whom he took prisoners, others were killed, many wounded, and the great multitude saved themselves by flight; many suspected persons were sent out of their beloved home, and confined in various places. Pinamonte did not cease to persecute his adversaries, until all things in the city appeared to be quieted under his dominion. The miserable Mantouans were dispersed in various places, and particularly in Gonzaga: but the tyrant had the art to hold out temptations of lands, restitution of property, and restoration

to



to their country, to these, till they surrendered to him that Gonzaga, which had often defended itself both against popes and emperors. Pinamonte then established a friendship with Venice and Padoua, but was interrupted in his career in 1289 by death. The family of Bonacolfi, with Pinamonte at their head, had, by forming a popularity among the vilest plebeians, been able to expel the other noble families, and make themselves absolute. So complete was their ascendancy over the minds of the rabble, that, upon the death of Pinamonte, the minority were not able to obtain any regular election or rational reform of the government; but Bardellone Bonacolfi was set up by his party for a successor, a man universally hated, a monster without virtue, absurd in the conduct of his whole life, unskilful, insolent, without judgment or experience; equally ignorant and arrogant, vile and suspicious, yet credulous, and a slave to adulation; devoted to cruelty and lust. This pestiferous tyrant governed in Mantoua five years, according to Platina; but the plebeians themselves could bear him no longer, and set up another of the same family against him. Bottigella Bonacolfi with little difficulty was able to expel him, and Tamo his brother, one of whom died miserably at Padoua, and the other at Ferrara. We pass over the actions of Bottigella, and his wars with Cremona and with Azzo Estense, &c.

1289.

In 1308 Bottigella died, as well as his enemy Azzo: to the latter succeeded his son Flisco, and to the former Passarino, his brother; for this plebeian tyranny was already become hereditary in the family. Although the government of Passarino was not remarkable for folly or severity, yet Luigi Gonzaghi, who had connected himself in marriage with the Bonacolfi, being a man of

1308.

abilities, and knowing the general discontent of the people, and the universal hatred of the nobility against that family, entered into a concert with some of the neighbouring lords, as Cane della Scala, &c. found little difficulty to depose and expel Poffarino, put him to death, and reign in his stead. The family of the Gonzaghi were named from the place of their ancient residence, which was Gonzaga. A multitude of conjectures and fables, collected from various authors, concerning the origin of this family, we pass over. Guido Gonzaga, who fought against Manfred king of Naples, had five sons, the first of whom was Luigi, the author and founder of the lordship and marquisate of Mantoua.

1328. In 1328, it is said, that by the consent of the people, according to the laws, and good customs, one was elected, after the death of Passarino in 1328, to whom, and to his successors, was given for perpetuity the whole empire, as was usual in the heroic times. The Mantouans reasoned in this manner:—The mode of making a commonwealth perpetual, or of any long duration, is by prudence, which disposes and rules with manly energy, as well as with wise discernment. This can alone be performed in a state by means of justice, which distributes to every one his deserts: to the good, rewards and honours; to the wicked, punishment and infamy. As the virtue of clemency is the daughter of magnanimity, and participates of divinity, we always applaud it when it extends only to offences committed against ourselves; and it is commended in princes whenever pardon and mercy cannot cause an injury to the public, and give insolence to the daring to rise against the laws. It should be a pleasure to princes to remit private injuries; but, skilful in

the healing art, they should not be so partially compassionate as to heal one wound at the hazard of destroying the whole body. The liberty of the people consists in two things, in the laws and the tribunals: when these prevail in a city, without favour, respect, or partiality, that city and its citizens are free.—Upon these principles the Mantouans, finding that liberty never had been enjoyed by them under their uncouth government of a republic, strange to relate! adopted voluntarily an absolute monarchy. Louis was elected and constituted upon these principles and for these reasons, and began his reign by an assiduous attention to the revival of laws which had been trampled under foot, and by a diligent solicitude that all the good customs should be observed with equality. And this is sufficient for another example of the struggles of a few families, in an unbalanced government, for pre-eminence, and of the final triumph of the Gonzaghi over the Bonacolfi, in a monarchy erected on the ruins of a republic.

LETTER

## L E T T E R V.

## MONTEPULCIANO.

Dear Sir,

**C**HIUCI, the country and residence of Porfenna, the ancient king to whom Tarquin fled for hospitality, was one of the most ancient and powerful cities of Tuscany or Etruria. As Chiufi was in a low situation and a bad air, Porfenna chose, for his pleasure and his health, a mountain in the neighbourhood, where was a salubrious atmosphere and an admirable prospect; an ample plain, the lake of Thrasimene, and the river of Chiane, with hills and vallies loaded with every production of the earth, in grapes, grains, and fruits, in the most perfect elegance and abundance, were around it.

In after ages, upon a civil war in Chiufi between the gentlemen and plebeians, in which the former were expelled, they retired to this mountain, and gave it the name of Mons Politicus, which was corrupted afterwards, in the vulgar pronunciation, into Monspolitianus, and since into Montepulciano. The plebeians of the same city passed the river, took possession of another elevated situation, where they built a castle, and called it Castrum Plebis.

Though Florence and Siena have, at different times, pretended that Montepulciano was in their dominion; yet it is certain that, for three hundred years at least, it was an independent sovereign



reign republic. At an expence of continual wars it maintained its liberty. Its government was by podestas and general councils, like all the other cities; and its whole history is made up of revolutions, from nobles to plebeians, and from plebeians to nobles, Florence and Siena taking the parties of opposite factions. Even in this little village there were great families as well as little ones, the Guidos, Ugolinos, the Rulgnellos, and Rinieri, continually struggling for precedence. In the year 1328 the Rinieri, or rather the family del Pecora, were accounted noble, because they were rich, and powerful in followers, adherents, and relations: they had increased in reputation and power to such a degree, that they domineered, at their discretion, over all their compatriots. The heads of the house were Jacob and Niccolas de Cavalieri, who governed in concurrence, with prudence and good order, till 1352, when dissensions and discords began to arise between them. Jacob concerted with Peter Sacconi, who governed in Arezzo, a project to make himself master of Montipulciano; but Niccolas, his colleague, revealed it to the governor of the people, who excited an insurrection, and expelled Jacob, with twenty of his followers; and afterwards, with the influence and councils of Niccolas, the government was reformed, and all the friends of Jacob were excluded from any share in it, according to the custom and the nature of all majorities, when there is no power but a minority to rebuff their pretensions\*. Jacob, in his turn, had intrigued with Visconti, archbishop of Milan, and his allies, and corrupting a notary, an officer on guard, broke down a gate in the night, entered with all

\* Matt. Vill. lib. iii. c. 10. f. 146. an. 1352.

his

his men, and excited an uproar. Niccolas, a knight of great spirit, seized his arms, and, with a few of his companions, mounting his horse, without waiting for further help, attacked the enemy with such impetuosity that they fled in a panic. Jacob, with twenty-five horsemen, escaped; the others were taken, to the number of seventy-five, together with the notary and the guard. The governors of the people hanged thirty, and released the rest, having first marked them for ever, by slitting their noses and cutting off their ears.

Jacob then fled to Siena, and there attempted to form connections and obtain auxiliaries; and Niccolas, and the governors of the people of Montepulciano, applied to Perugia, and a war was excited between those two cities, which was terminated by ambassadors, upon these conditions, that Montepulciano should remain under the government of the people, under the protection of the commons of Siena, for twenty years; Jacob and Niccolas were to be indemnified for the expences, and their estates restored, and the commons of Florence and Perugia were to be guarantees. Tommasi adds, that another condition was, the restoration of all the refugees\*. The next year the peace was broken, and Niccolas sent into banishment; but, collecting friends without, and concerting measures with his partisans within, he found means to enter Montepulciano, with two hundred horse and five hundred foot: but he met with such a resistance from his enemies in the place, and their Sieneſe allies, that he perceived he could not overcome them. He therefore took the barbarous resolution to burn the town, and retire: his party set fire to as many houses as

\* Tom. lib. x. fo. 319. an. 1353.

possible,

possible, and while the people and soldiers were intent upon preventing the progress of the flames he retreated. Niccolas and Jacob, at length finding that they gained nothing and lost much by continual quarrels, came to an agreement, and solicited the emperor to hold the government of Montepulciano as Imperial vicars: but the people would not admit them, because the Sienese would not receive such vicars. This occasioned a fresh war between the commons of Montepulciano and those of Siena on one side, and the Perugians, in conjunction with the Pecora family and their adherents, on the other. In this war a memorable battle was fought, and the Montepulcians distinguished themselves by so much valour, that the Perugians created four of them cavaliers, viz. John, the son of Niccolas, and Gherard, the son of Jacob, and two of their nephews, Bertholdo and Corrado, all of the family del Pecora: and the Perugian conquerors, with their Montepulcian cavaliers, committed the customary depredations and devastations.

The government of the land being in the hands of the people, for the sake of the public tranquillity Jacob and Niccolas del Pecora remained abroad in banishment, inhabiting Valiano, a strong place, and a plentiful situation. The latter, knowing the nature of the citizens of Montepulciano, accustomed to hope more than they ought, and to tolerate less than was necessary, discontented and prone to novelties, vacillating between the commons of Siena and those of Perugia through alternate envy, jealousy, and resentment, and being never at rest, entered into a secret correspondence with them, in order to return to his country. His purpose was in time accomplished, and he was joyfully received by the people, and mutual forgiveness

1358.

- giveness of injuries and affronts was stipulated. Recollecting that the rupture between him and Jacob had been the cause of all the evils, he sent a messenger to him, and a reconciliation was effected between them for the common benefit of their country. All was now joy, friendship, and festivity, in appearance, but the secret causes of discord were still at work, and before the year 1363 produced another revolution, and Niccolas and his friends were again exiled.
- 1359.
- 1363.
1368. Five years afterwards the exiles from Montepulciano, with some assistance from the grandees of Siena, entered and conquered their country, and sent Jacob, who had made himself lord and master, to prison. But the plebeians, and others, who had been oppressed by him, and mortally hated him, could not satiate their vengeance merely by burning and plundering all his property: they broke open his prison, and tore him into pieces so small, that no part of his body could ever be collected for sepulture. The grandees were so transported with indignation at this infamous barbarity, that they put to death a great part of the plebeians, and banished the remainder. They reformed the government of the land, however, into a popular state, and banished the Cavalieri as rebels. Not to pursue this relation to any greater length, it may be observed in general, that this little hill maintained its independence for three hundred years, by the mutual jealousies of Florence, Siena, and Perugia; but it was by uninterrupted wars with one or the other of them, all in their turns seeking its alliance or subjugation, and all in their turns taking its part when in danger of being subdued by any one. This occasioned a continual vacillation of its friendship and enmity with those cities, and constant revolutions



tions of government at home upon every change. There was no balance in their government by which parties or powerful individuals might be restrained, and a few families were continually scrambling for superiority. There were no nobles by name, that is, there were no marquisses, counts, or barons; but there were gentlemen and common people, and the gentlemen were called cavaliers, because they could afford to keep a horse, or at most three horses to each man. The family del Pecora was the principal one of these cavaliers, and they enslaved their country of course, as the Medici did in Florence.—Perhaps it may be said, that in America we have no distinctions of ranks, and therefore shall not be liable to those divisions and discords which spring from them; but have we not labourers, yeomen, gentlemen, esquires, honourable gentlemen, and excellent gentlemen? and are not these distinctions established by law? have they not been established by our ancestors from the first plantation of the country? and are not those distinctions as earnestly desired and sought, as titles, garters, and ribbons are in any nation of Europe? We may look as wise, and moralize as gravely as we will; we may call this desire of distinction childish and silly; but we cannot alter the nature of men: human nature is thus childish and silly; and its Author has made it so, undoubtedly for wise purposes; and it is setting ourselves up to be wiser than Nature, and more philosophical than Providence, to censure it. All that we can say in America is, that legal distinctions, titles, powers, and privileges, are not hereditary; but that the disposition to artificial distinctions, to titles, and ribbons, and to the hereditary descent of them, is ardent in America, we may see by the institution of the Cincinnati.

Cincinnati. There is not a more remarkable phænomenon in universal history, nor in universal human nature, than this order. The officers of an army, who had voluntarily engaged in a service under the authority of the people, whose creation and preservation was upon the principle that the body of the people were the only fountain of power and of honour; officers too as enlightened and as virtuous as ever served in any army; the moment they had answered the end of their creation, instituted titles and ribbons, and hereditary descents, by their own authority only, without the consent or knowledge of the people, or their representatives or legislatures. If these gentlemen had been of opinion that titles and ribbons were necessary in society, to have been consistent, they should have taken measures for calling conventions of the people, where it should have been determined, first, whether any such distinction should be introduced; secondly, how many such orders; thirdly, what number of individuals of each; and, lastly, there should have been in convention a general election of noblemen for each of the thirteen states. As great injustice may be done by giving too much honour to one, and too little to another, as by committing trespasses upon property, or slanders upon reputations, the public good requires justice in the distribution of fame as well as fortune; and the public, or some tribunal erected by the public, can be alone competent to the decision.

As there is no instance more parallel than this of Montepulciano, where the people who owned horses agreed together to call themselves cavaliers, and thus created a distinct order in the state, this opportunity has been taken to make an observation

tion upon an institution, which ought not to be passed over in considering the subject of these letters. It is greatly to be wished that the officers would voluntarily discontinue their societies, and lay aside their eagles, which will do them, as well as the community, much more hurt than good: they have already excluded many excellent men from places in civil life, to which their merit in other respects entitled them; they have excited disputes which are very pernicious; they are founded on no principle of morals, true policy, or our own constitution.

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L E T T E R VI.

*The right Constitution of a Commonwealth, examined.*

Dear Sir,

THE English nation, for their improvements in the theory of government, has, at least, more merit with the human race than any other among the moderns. The late most beautiful and liberal speculations of many writers, in various parts of Europe, are manifestly derived from English sources. Americans too ought for ever to acknowledge their obligations to English writers, or rather have as good a right to indulge a pride in the recollection of them as the inhabitants of the three kingdoms. The original plantation of our country was occasioned, her continual growth has been promoted, and her

present liberties have been established, by these generous theories. There have been three periods in the history of England, in which the principles of government have been anxiously studied, and very valuable productions published, which at this day, if they are not wholly forgotten in their native country, are perhaps more frequently read abroad than at home.—The first of these periods was that of the Reformation, as early as the writings of Machiavel himself, who is called the great restorer of the true politics. “The Shorte Treatise of Politicke Power, and of the true Obedience which Subjects owe to Kyngs and other civile Governours, with an Exhortation to all true natural Englishemen, compyled by John Ponnet, D. D.” was printed in 1556, and contains all the essential principles of liberty, which were afterwards dilated on by Sidney and Locke. This writer is clearly for a mixed government, in three equiponderant branches, as appears by these words, p. 7. “In some countreyes they were content to be governed, and have the laws executed, by one king or judge; in some places by many of the best sorte; in some places by the people of the lowest sorte; and in some places also by the king, nobilitie, and the people all together. And these diverse kyndes of states, or policies, had their distincte names; as where one ruled, a manarchie; where many of the best, aristocratie; and where the multitude, democratie; and where all together, that is a king, the nobilitie, and commons, a mixte state; and which men by long continuance have judged to be the best sort of all: for where that mixte state was exercised, there did the commonwealthe longest continue.”—The second period was the Interregnum, and indeed the whole interval between



1640 and 1660. In the course of those twenty years, not only Ponnet and others were reprinted, but Harrington, Milton, the *Vindiciæ contra Tyrannos*, and a multitude of others, came upon the stage.—The third period was the Revolution in 1688, which produced Sidney, Locke, Hoadley, Trenchard Gordon, Plato Redivivus, who is also clear for three equipollent branches in the mixture, and others without number. The discourses of Sidney were indeed written before, but the same causes produced his writings and the Revolution.—Americans should make collections of all these speculations, to be preserved as the most precious relics of antiquity, both for curiosity and use. There is one indispensable rule to be observed in the perusal of all of them; and that is, to consider the period in which they were written, the circumstances of the times, and the personal character as well as the political situation of the writer. Such a precaution as this deserves particular attention in examining a work, printed first in the *Mercurius Politicus*, a periodical paper published in defence of the commonwealth, and reprinted in 1656, by Marchamont Nedham, under the title of “The Excellency of a free State, or the right Constitution of a Commonwealth.” The nation had not only a numerous nobility and clergy at that time disgusted, and a vast body of the other gentlemen, as well as of the common people, desirous of the restoration of the exiled royal family, but many writers explicitly espoused the cause of simple monarchy and absolute power: among whom was Hobbes, a man, however unhappy in his temper, or detestable for his principles, equal in genius and learning to any of his contemporaries. Others were employed in ridiculing the doctrine, that laws, and not men,

P 2                      should

should govern. It was contended, that to say  
 “ that laws do or can govern, is to amuse our-  
 “ selves with a form of speech, as when we say  
 “ time, or age, or death, does such a thing.  
 “ That the government is not in the law, but in  
 “ the person whose will gives a being to that law.  
 “ That the perfection of monarchy consists in go-  
 “ verning by a nobility, weighty enough to keep  
 “ the people under, yet not tall enough; in any  
 “ particular person, to measure with the prince;  
 “ and by a moderate army, kept up under the  
 “ notion of guards and garrisons, which may be  
 “ sufficient to strangle all seditions in the cradle;  
 “ by councils, not such as are co-ordinate with  
 “ the prince, but purely of advice and dispatch,  
 “ with power only to persuade, not limit, the  
 “ prince’s will\*.” In such a situation, writers on  
 the side of liberty thought themselves obliged to  
 consider what was then practicable, not abstracted-  
 ly what was the best: they felt the necessity of  
 leaving the monarchical and aristocratical orders  
 out of their schemes of government, because all  
 the friends of those orders were their enemies, and  
 of addressing themselves wholly to the democra-  
 tical party, because they alone were their friends;  
 at least there appears no other hypothesis on  
 which to account for the crude conceptions of  
 Milton and Nedham. The latter, in his preface,  
 discovers his apprehensions and feelings, too  
 clearly to be mistaken, in these words: “ I be-  
 “ lieve none will be offended with this following  
 “ discourse, but those that are enemies to public  
 “ welfare: let such be offended still; it is not for  
 “ their sakes that I publish this ensuing treatise,

\* See the political pamphlets of that day, written on the  
 side of monarchy.

“ but for your sakes that have been *noble patriots*,  
 “ *fellow-soldiers* and *sufferers* for the liberties and  
 “ freedoms of your country.” As Mr. Turgot’s  
 idea of a commonwealth, in which all authority  
 is to be collected into one centre, and that  
 centre the nation, is supposed to be precisely the  
 project of Marchamont Nedham, and probably  
 derived from his book, and as “ The Excellency of  
 “ a free State” is a valuable morsel of antiquity well  
 known in America, where it has many partisans,  
 it may be worth while to examine it, especially as  
 it contains every semblance of argument which  
 can possibly be urged in favour of the system, as it  
 is not only the popular idea of a republic both in  
 France and England, but is generally intended by  
 the words *republic*, *commonwealth*, and *popular state*,  
 when used by English writers, even those of the  
 most sense, taste, and learning.

Marchamont Nedham lays it down as a funda-  
 mental principle, and an undeniable rule, “ that  
 “ the people, that is, such as shall be successively  
 “ chosen to represent the people, are the best  
 “ keepers of their own liberties, and that for  
 “ many reasons: First, because they never think  
 “ of usurping over other men’s rights, but mind  
 “ which way to preserve their own.”

Our first attention should be turned to the pro-  
 position itself, “ The people are the best keepers  
 “ of their own liberties.” But who are the peo-  
 ple? “ Such as shall be successively chosen to re-  
 “ present them.”—Here is a confusion both of  
 words and ideas, which, though it may pass with  
 the generality of readers in a fugitive pamphlet,  
 or with a majority of auditors in a popular har-  
 rangue, ought, for that very reason, to be as  
 carefully avoided in politics as it is in philosophy  
 or mathematics. If by the people is meant the

whole body of a great nation, it should never be forgotten, that they can never act, consult, or reason together, because they cannot march five hundred miles, nor spare the time, nor find a space to meet; and therefore the proposition, that they are the best keepers of their own liberties, is not true. They are the worst conceivable; they are no keepers at all: they can neither act, judge, think, or will, as a body politic or corporation. If by the people is meant all the inhabitants of a single city, they are not in a general assembly, at all times, the best keepers of their own liberties, nor perhaps at any time, unless you separate from them the executive and judicial power, and temper their authority in legislation with the maturer councils of the one and the few. If it is meant by the people, as our author explains himself, a representative assembly, "such as shall be successively chosen to represent the people," they are not still the best keepers of the people's liberties, or their own, if you give them all the power, legislative, executive, and judicial: they would invade the liberties of the people, at least the majority of them would invade the liberties of the minority, sooner and oftener than an absolute monarchy, such as that of France, Spain, or Russia, or than a well-checked aristocracy, like Venice, Bern, or Holland. An excellent writer has said, somewhat incautiously, that "a people will never oppress themselves, or invade their own rights." This compliment, if applied to human nature, or to mankind, or to any nation or people in being or in memory, is more than has been merited. If it should be admitted, that a people will not unanimously agree to oppress themselves, it is as much as is ever, and more than is always, true. All kinds of experience

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shew,



shew, that great numbers of individuals do oppress great numbers of other individuals; that parties often, if not always, oppress other parties; and majorities almost universally minorities. All that this observation can mean then, consistently with any colour of fact, is, that the people will never unanimously agree to oppress themselves: but if one party agrees to oppress another, or the majority the minority, the people still oppress themselves, for one part of them oppresses another. —“ The people never think of usurping over “ other men’s rights.” What can this mean? Does it mean that the people never *unanimously* think of usurping over other men’s rights? This would be trifling, for there would, by the supposition, be no other men’s rights to usurp. But if the people never jointly, nor severally, think of usurping the rights of others, what occasion can there be for any government at all? Are there no robberies, burglaries, murders, adulteries, thefts, nor cheats? Is not every crime an usurpation over other men’s rights? Is not a great part, I will not say the greatest part, of men detected every day in some disposition or other, stronger or weaker, more or less, to usurp over other men’s rights? There are some few, indeed, whose whole lives and conversations show, that in every thought, word, and action, they conscientiously respect the rights of others: there is a larger body still, who, in the general tenor of their thoughts and actions, discover similar principles and feelings, yet frequently err. If we should extend our candour so far as to own that the majority of men are generally under the dominion of benevolence and good intentions, yet it must be confessed that a vast majority frequently transgress; and, what is more directly to the point, not only a

majority, but almost all, confine their benevolence to their families, relations, personal friends, parish, village, city, county, province, and that very few indeed extend it impartially to the whole community. Now grant but this truth, and the question is decided: if a majority are capable of preferring their own private interest, or that of their families, counties, and party, to that of the nation collectively, some provision must be made in the constitution, in favour of justice, to compel all to respect the common right, the public good, the universal law, in preference to all private and partial considerations.

The proposition of our author then should be reversed, and it should have been said, that they mind so much their own, that they never think enough of others. Suppose a nation, rich and poor, high and low, ten millions in number, all assembled together; not more than one or two millions will have lands, houses, or any personal property: if we take into the account the women and children, or even if we leave them out of the question, a great majority of every nation is wholly destitute of property, except a small quantity of clothes, and a few trifles of other moveables. Would Mr. Nedham be responsible that, if all were to be decided by a vote of the majority, the eight or nine millions who have no property, would not think of usurping over the rights of the one or two millions who have? Property is surely a right of mankind as really as liberty. Perhaps, at first, prejudice, habit, shame, or fear, principle or religion, would restrain the poor from attacking the rich, and the idle from usurping on the industrious; but the time would not be long before courage and enterprize would come, and pretexts be invented by degrees, to countenance  
the

the majority in dividing all the property among them, or at least in sharing it equally with its present possessors. Debts would be abolished first; taxes laid heavy on the rich, and not at all on the others; and at last a downright equal division of every thing be demanded, and voted. What would be the consequence of this? The idle, the vicious, the intemperate, would rush into the utmost extravagance of debauchery, sell and spend all their share, and then demand a new division of those who purchased from them. The moment the idea is admitted into society, that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence. If "THOU SHALT NOT COVET," and "THOU SHALT NOT STEAL," were not commandments of Heaven, they must be made inviolable precepts in every society before it can be civilized or made free. If the first part of the proposition, viz. that "the people never think of usurping over other men's rights," cannot be admitted, is the second, viz. that "they mind which way to preferve their own," better founded?—There is in every nation and people under heaven a large proportion of persons who take no rational and prudent precautions to preserve what they have, much less to acquire more. Indolence is the natural character of man, to such a degree, that nothing but the necessities of hunger, thirst, and other wants equally pressing, can stimulate him to action, until education is introduced in civilized societies, and the strongest motives of ambition to excel in arts, trades, and professions, are established in the minds of all men: until this emulation is introduced, the lazy savage holds property in too little estimation to give himself trouble

trouble for the preservation or acquisition of it. In societies the most cultivated and polished, vanity, fashion, and folly, prevail over every thought of ways to preserve their own: they seem rather chiefly to study what means of luxury, dissipation, and extravagance, they can invent to get rid of it. "The case is far otherwise among kings and grandees," says our author, "as all nations in the world have felt to some purpose;" that is, in other words, kings and grandees think of usurping over other men's rights, but do not mind which way to preserve their own. It is very easy to flatter the democratical portion of society, by making such distinctions between them and the monarchical and aristocratical; but flattery is as base an artifice, and as pernicious a vice, when offered to the people, as when given to the others. There is no reason to believe the one much honest or wiser than the other; they are all of the same clay, their minds and bodies are alike. The two latter have more knowledge and sagacity derived from education, and more advantages for acquiring wisdom and virtue. As to usurping others rights, they are all three equally guilty when unlimited in power: no wise man will trust either with an opportunity; and every judicious legislator will set all three to watch and controul each other. We may appeal to every page of history we have hitherto turned over, for proofs irrefragable, that the people, when they have been unchecked, have been as unjust, tyrannical, brutal, barbarous, and cruel, as any king or senate possessed of uncontrollable power: the majority has eternally, and without one exception, usurped over the rights of the minority. "They naturally move," says Nedham, "within the circle of domination, as in their proper centre." When  
writers



writers on legislation have recourse to poetry, their images may be beautiful, but they prove nothing. This, however, has neither the merit of a brilliant figure, nor of a convincing argument: the populace, the rabble, the canaille, move as naturally in the circle of domination, whenever they dare, as the nobles or a king; nay, although it may give pain, truth and experience force us to add, that even the middling people, when uncontrouled, have moved in the same circle, and have not only tyrannized over all above and all below, but the majority among themselves has tyrannized over the minority. "And count it no less security, than wisdom and policy, to brave it over the people." Declamatory flourishes, although they may furnish a mob with watchwords, afford no reasonable conviction to the understanding. What is meant by braving it? In the history of Holland you will see the people braving it over the De Witts; and in that of Florence, Siena, Bologna, Pistoia, and the rest, over many others\*. "Cæsar, Crassus, and another, made a contract with each other, that nothing should be done without the concurrence of all three; Societatem iniere, nequid ageretur in republica, quod displicuisset ulli, e tribus." Nedham could not have selected a less fortunate example for his purpose, since there never was a more arrant creature of the people than Cæsar; no, not even Catiline, Wat Tyler, Massianello, or Shafe. The people created Cæsar on the ruins of the senate, and on purpose to usurp over the rights of others. But this example, among innumerable others, is very apposite for our purpose. It happens universally, when the people in a body,

\* Read the Harangue, vol. ii. p. 67.

or by a single representative assembly, attempt to exercise all the powers of government, they always create three or four idols, who make a bargain with each other first, to do nothing which shall displease any one: these hold this agreement, until one thinks himself able to disembarraß himself of the other two; then they quarrel, and the strongest becomes single tyrant. But why is the name of Pompey omitted, who was the third of this triumvirate? Because it would have been too unpopular; it would have too easily confuted his argument, and have turned it against himself, to have said that this association was between Pompey, Cæsar, and Crassus, against Cato, the senate, the constitution, and liberty, which was the fact. Can you find a people who will never be divided in opinion? who will be always unanimous? The people of Rome were divided, as all other people ever have been and will be, into a variety of parties and factions. Pompey, Crassus, and Cæsar, at the head of different parties, were jealous of each other: their divisions strengthened the senate and its friends, and furnished means and opportunities of defeating many of their ambitious designs. Cæsar perceived it, and paid his court both to Pompey and Crassus, in order to hinder them from joining the senate against him. He separately represented the advantage which their enemies derived from their misunderstandings, and the ease with which, if united, they might concert among themselves all affairs of the republic, gratify every friend, and disappoint every enemy \*. The other example, of Augustus, Lepidus, and Antony, is equally unfortunate: both

\* Dio. Cass. lib. xxxvii. c. 54, 55. Plutarch in Pomp. Cæsar, & Crassus.

are demonstrations that the people did think of usurping others rights, and that they did not mind any way to preserve their own. The senate was now annihilated, many of them murdered: Augustus, Lepidus, and Antony, were popular demagogues, who agreed together to fleece the flock between them, until the most cunning of the three destroyed the other two, fleeced the sheep alone, and transmitted the shears to a line of tyrants. How can this writer say then, that, "while the government remained untouched in the people's hands, every particular man lived safe?" The direct contrary is true. Every man lived safe, only while the senate remained as a check and balance to the people: the moment that controul was destroyed, no man was safe. While the government remained untouched in the various orders, the consuls, senate, and people, mutually balancing each other, it might be said, with some truth, that no man could be undone, unless a true and satisfactory reason was rendered to the world for his destruction: but as soon as the senate was destroyed, and the government came untouched into the people's hands, no man lived safe but the triumvirs and their tools; any man might be, and multitudes of the best men were, undone, without rendering any reason to the world for their destruction, but the will, the fear, or the revenge of some tyrant. These popular leaders, in our author's own language, "saved and destroyed, depressed and advanced, whom they pleased, with a wet finger."

The second argument to prove that the people, Second  
in their successive single assemblies, are the best Arg.  
keepers of their own liberties, is, "because it is  
" ever the people's care to see that authority be  
" so

*The right Constitution of a*

“ so constituted, that it shall be rather a burthen  
 “ than profit to those that undertake it; and  
 “ be qualified with such slender advantages of  
 “ profit or pleasure, that men shall reap little  
 “ by the enjoyment. The happy consequence  
 “ whereof is this, that none but honest, generous,  
 “ and public spirits, will then desire to be in au-  
 “ thority, and that only for the common good.  
 “ Hence it was, that in the infancy of the Roman  
 “ liberty there was no canvassing for voices; but  
 “ single and plain-hearted men were called, in-  
 “ treated, and in a manner forced with impor-  
 “ tunity to the helm of government, in regard  
 “ of that great trouble and pains that followed  
 “ the employment. Thus Cincinnatus was fetch-  
 “ ed out of the field from his plow, and placed,  
 “ much against his will, in the sublime dignity of  
 “ dictator: so the noble Camillus, and Fabius,  
 “ and Curius, were, with much ado, drawn from  
 “ the recreation of gardening to the trouble of  
 “ governing; and the consul year being over,  
 “ they returned with much gladness again to  
 “ their private employment.”

The first question which would arise in the mind  
 of an intelligent and attentive reader would  
 be, whether this were burlesque, and a republic  
 travesty? But as the principle of this second  
 reason is very pleasing to a large body of narrow  
 spirits in every society, and as it has been adopt-  
 ed by some respectable authorities, without suffi-  
 cient consideration, it may be proper to give it a  
 serious investigation.

The people have, in some countries and seasons,  
 made their services irksome; and it is popular  
 with some to make authority a burthen. But  
 what has been the consequence to the people?  
 Their service has been deserted, and they have  
 been



been betrayed. Those very persons who have flattered the meanness of the stingy, by offering to serve them gratis, and by purchasing their suffrages, have carried the liberties and properties of their constituents to market, and sold them for very handsome private profit to the monarchical and aristocratical portions of society: and so long as the rule of making their service a burthen is persisted in, so long will the people be served with the same kind of address and fidelity, by hypocritical pretences to disinterested benevolence and patriotism, until their confidence is gained, their affections secured, and their enthusiasm excited, and by knavish bargains and sales of their cause and interest afterwards. But although there is always among the people a party who are justly chargeable with meanness and avarice, envy and ingratitude, and this party has sometimes been a majority, who have literally made their service burthensome, yet this is not the general character of the people; a more universal fault is, too much affection, confidence, and gratitude, not to such as really serve them, whether with or against their inclinations, but to those who flatter their inclinations, and gain their hearts. Honest and generous spirits will disdain to deceive the people; and if the public service is wilfully rendered burthensome, they will really be averse to be in it: but hypocrites enough will be found, who will pretend to be also loath to serve, and feign a reluctant consent for the public good, while they mean to plunder in every way they can conceal. There are conjunctures when it is the duty of a good citizen to hazard and sacrifice all for his country: but, in ordinary times, it is equally the duty and interest of the community not to suffer it. Every wise and free  
people,

people, like the Romans, will establish the maxim, to suffer no generous action for the public to go unrewarded. Can our author be supposed to be sincere, in recommending it as a principle of policy to any nation to render her service in the army, navy, or in council, a burthen, an unpleasant employment, to all her citizens? Would he depend upon finding human spirits enough to fill public offices, who would be sufficiently elevated in patriotism and general benevolence to sacrifice their ease, health, time, parents, wives, children, and every comfort, convenience, and elegance of life, for the public good? Is there any religion or morality that requires this? which permits the many to live in affluence and ease, while it obliges a few to live in misery for their sakes? The people are fond of calling public men their servants, and some are not able to conceive them to be servants, without making them slaves, and treating them as planters treat their negroes. But, good masters, have a care how you use your power; you may be tyrants as well as public officers. It seems, according to our author himself, that honesty and generosity of spirit, and the passion for the public good, were not motives strong enough to induce his heroes to desire to be in public life: they must be called, intreated, and forced. By single and plain-hearted men, he means the same, no doubt, with those described by the other expressions, honest, generous, and public spirits. Cincinnatus, Camillus, Fabius, and Curius, were men as simple and as generous as any; and these all, by his own account, had a strong aversion to the public service. Either these great characters must be supposed to have practised the *Nolo Episcopari*, to have held up a fictitious aversion for what they really desired, or

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we must allow their reluctance to have been sincere. If counterfeit, these examples do not deserve our imitation; if sincere, they will never be followed by men enough to carry on the business of the world. The glory of these Roman characters cannot be obscured, nor ought the admiration of their sublime virtues to be diminished; but such examples are as rare among statesmen, as Homers and Miltons among poets. A free people of common sense will not depend upon finding a sufficient number of such characters at any one time, but less a succession of them for any long duration, for the support of their liberties. To make a law, that armies should be led, senates counselled, negotiations conducted, by none but such characters, would be to decree that the business of the world should come to a full stand: and it must have stood as still in those periods of the Roman history as at this hour; for such characters were nearly as scarce then as they are now. The parallels of Lysander, Pericles, Themistocles, and Cæsar, are much easier to find in history, than those of Camillus, Fabius, and Curius. If the latter were with much difficulty drawn from their gardens to government, and returned with pleasure at the end of the consular year to their rural amusements; the former are as ardent to continue in the public service, and if the public will not legally reward them, they plunder the public to reward themselves. The father of Themistocles had more aversion to public life than Cincinnatus; and, to moderate the propensity of his son, who ardently aspired to the highest offices of the state, pointed to the old galleys rolling in the docks—"There," says he, "see the old statesmen, worn out in the service of their country, thus always neglected when no longer

“of use \* !” Yet the son’s ardour was not abated, though he was not one of those honest spirits that aimed only at the public good. Pericles too, though his fortune was small, and the honest emoluments of his office very moderate, discovered no such aversion to the service : on the contrary, he entered into an emulation in prodigality with Cimon, who was rich, in order equally to dazzle the eyes of the multitude. To make himself the soul of the republic, and master of the affections of the populace, to enable them to attend the public assemblies and theatrical representations for his purposes, he lavished his donations : yet he was so far from being honest and generous, and aiming solely at the public good, that he availed himself of the riches of the state to supply his extravagance of expence, and made it an invariable maxim to sacrifice every thing to his own ambition. When the public finances were exhausted, to avoid accounting for the public money, he involved his country in a war with Sparta.

But we must not rely upon these general observations alone : let us descend to a particular consideration of our author’s examples, in every one of which he is very unfortunate. The retirement of Cincinnatus to the country was not his choice, but his necessity : Cæso, his son, had offended the people by an outrageous opposition to their honest struggles for liberty, and had been fined for a crime ; the father, rather than let his bondsmen suffer, paid the forfeiture of his recognizance, reduced himself to poverty, and the necessity of retiring to his spade or plough. Did the people intreat and force him back to Rome ?

\* Plutarch.

No;



No; it was the senate in opposition to the people, who dreaded his high aristocratical principles, his powerful connections, and personal resentments. Nor did he discover the least reluctance to the service ordained him by the senate, but accepted it without hesitation. All this appears in Livy, clearly contradictory to every sentiment of our author \*. At another time, when disputes ran so high between the tribunes and the senate that seditions were apprehended, the senators exerted themselves in the centuries for the election of Cincinnatus, to the great alarm and terror of the people †. Cincinnatus, in short, although his moral character and private life were irreproachable among the plebeians, appears to have owed his appointments to office, not to them, but the senate; and not for popular qualities, but for aristocratical ones, and the determined opposition of himself and his whole family to the people. He appears to have been forced into service by no party; but to have been as willing, as he was an able, instrument of the senate. In order to see the inaptitude of this example in another point of view, let the question be asked, What would have been the fortune of Cincinnatus, if Nedham's "right constitution" had then been the government of Rome? The answer must be, that he would have lost his election, most probably even into the representative assembly: most certainly he would

\* *Plebis concursus ingens fuit: sed ea, nequaquam, tam laeta Quintium vidit; et imperii nimirum, et viram, in ipso imperio vehementiorem rata.* Liv. lib. iii. c. 26.

† *Summo patrum studio, L. Quintius Cincinnatus, pater Cæsonis, consul creatur, qui magistratum statim acciperet, perculsa erat plebs consulem habitura, iratum, potentem favore patrum, virtute suâ, tribus liberis, &c.*

never have been consul, dictator, or commander of armies, because he was unpopular. This example, then, is no argument in favour of our author, but a strong one against him.

Curius.

462.

If we recollect the character and actions of Curius, we shall find them equally conclusive in favour of balanced government, and against our author's plan. M. Curius Dentatus, in the year of Rome 462, obtained as consul a double triumph, for forcing the Samnites to sue for peace. This nation, having their country laid waste, sent their principal men as ambassadors, to offer presents to Curius for his credit with the senate, in order to their obtaining favourable terms of peace. They found him sitting on a stool before the fire, in his little house in the country, and eating his dinner out of a wooden dish. They opened their deputation, and offered him the gold and silver. He answered them politely, but refused the presents \*. He then added somewhat, which at this day does not appear so very polished: "I think it glorious to command the owners of gold, not to possess it myself." And which passion do you think is the worst, the love of gold, or this pride and ambition? His whole estate was seven acres of land, and he said once in assembly, "that a man who was not contented with seven acres of land, was a pernicious citizen." As we pass, it may be proper to remark the difference of times and circumstances. How few in America could escape the censure of pernicious citizens if Curius's rule were established. Is there one of our yeomen contented with seven acres? How many are discontented with seventy

\* Val. Max. iv. 1. Cic. de Senec. 55. Senec. Epist. v. Cic. pro Flacco, 28. Plin. Nat. xviii. 2.

times seven ! Examples, then, drawn from times of extreme poverty, and a state of a very narrow territory, should be applied to our circumstances with great discretion. As long as the aristocracy lasted, a few of those rigid characters appeared from time to time in the Roman senate. Cato was one to the last, and went expressly to visit the house of Curius, in the country of the Sabines; was never weary of viewing it, contemplating the virtues of its ancient owner, and desiring warmly to imitate them. But, though declamatory writers might call the conduct of Curius "*exac-*"  
"*tissima Romanæ frugalitatis norma,*" it was not the general character, even of the senators, at that time: avarice raged like a fiery furnace in the minds of creditors, most of whom were patricians; and equal avarice and injustice in the minds of plebeians, who, instead of aiming at moderating the laws against debtors, would be content with nothing short of a total abolition of debts. Only two years after this, viz. in 465, so tenacious

465.

were the patricians and senators of all the rigour of their power over debtors, that Veturius, the son of a consul, who had been reduced by poverty to borrow money at an exorbitant interest, was delivered up to his creditor; and that infamous usurer, C. Plotius, exacted from him all the services of a slave, and the senate would grant no relief: and when he attempted to subject his slave to a brutal passion, which the laws did not tolerate, and scourged him with rods because he would not submit, all the punishment which the consuls and senate would impose on Plotius was imprisonment. This anecdote proves that the indifference to wealth was far from being general, either among patricians or plebeians; and that it was confined to a few patrician families, whose

- tenaciousness of the maxims and manners of their ancestors *proudly* transmitted it from age to age.
477. In 477 Curius was consul a second time, when the plague, and a war with Pyrrhus, had lasted so long as to threaten the final ruin of the nation, and obliged the centuries to choose a severe character, not because he was beloved, but because his virtues and abilities alone could save the state. The austere character of the consul was accompanied by correspondent austerities, in this time of calamity, in the censors, who degraded several knights and senators, and among the rest Rufinus, who had been twice consul and once dictator, for extravagance and luxury. Pyrrhus was defeated, and Curius again triumphed: and because a continuance of the war with Pyrrhus was expected, again elected consul, in 478. In 480 he was censor. After all, he was so little beloved, that an accusation was brought against him for having converted the public spoils to his own use; and he was not acquitted till he had sworn that no part of them had entered his house but a wooden bowl, which he used in sacrifice.—All these sublime virtues, and magnanimous actions of Curius, make nothing in favour of Nedham. He was a patrician, a senator, and a consul; he had been taught by aristocratical ancestors, formed in an aristocratical school, and was full of aristocratical pride. He does not appear to have been a popular man, either among the senators in general, or the plebeians. Rufinus, his rival, with his plate and luxury, appears to have been more beloved, by his being appointed dictator: notwithstanding that the censors, on the prevalence of Curius's party, in a time of distress, were able to disgrace him.



It was in 479 that the senate received an embassy from Ptolemy Philadelphus, king of Egypt, and sent four of the principal men in Rome, Q. Fabius Gurges, C. Fabius Pistor, Numer. Fabius Pistor, and Q. Ogulnius, ambassadors to Egypt, to return the compliment. Q. Fabius, who was at the head of the embassy, was prince of the senate, and on his return reported their commission to the senate: said that the king had received them in the most obliging and honourable manner: that he had sent them magnificent presents on their arrival, which they had desired him to excuse them from accepting: that at a feast, before they took leave, the king had ordered crowns of gold to be given them, which they placed upon his statues the next day: that on the day of their departure the king had given them presents far more magnificent than the former, reproaching them, in a most obliging manner, for not having accepted them; these they had accepted, with most profound respect, not to offend the king, but that, on their arrival in Rome, they had deposited them in the public treasury: that Ptolemy had received the alliance of the Roman people with joy.—The senate were much pleased, and gave thanks to the ambassadors for having rendered the manners of the Romans venerable to foreigners by their sincere disinterestedness: but decreed that *the rich presents deposited in the treasury should be restored to them*, and the people expressed their satisfaction in this decree. These presents were undoubtedly immensely rich; but where was the people's care to make the service a burthen? Thanks of the senate are no burthens; immense presents in gold and silver, voted out of the treasury into the hands of the ambassadors, were no “slender advantages of pro-  
 Q4 “fit

479.  
Fabius.

“fit or pleasure,” at a time when the nation was extremely poor, and no individual in it very rich. But, moreover, three of these ambassadors were Fabii, of one of those few simple, frugal, aristocratical families, who neither made advantage of the law in favour of creditors, to make great profits out of the people by exorbitant usury on one hand, nor gave largesses to the people to bribe their affection on the other : so that, although they were respected and esteemed by all, they were not hated nor much beloved by any ; and such is the fate of men of such simple manners at this day in all countries. Our author’s great mistake lies in his quoting examples from a balanced government, as proofs in favour of a government without a balance. The senate and people were at this time checks on each others avarice : the people were the electors into office, but none, till very lately, could be chosen but patricians ; none of the senators, who enriched themselves by plundering the public of lands or goods, or by extravagant usury from the people, could expect their votes to be consuls or other magistrates ; and there was no commerce or other means of enriching themselves : all, therefore, who were ambitious of serving in magistracies, were obliged to be poor. To this constant check and balance between the senate and people the production and the continuance of these frugal and simple patrician characters and families appear to be owing.

If our author meant another affair of 453, it is still less to his purpose, or rather still more conclusively against him. It was so far from being true in the year 454, the most simple and frugal period of Roman history, that “none but honest, generous, and public spirits desired to be in authority,

“thority, and that only for the common good,” and that there “was no canvassing for voices,” that the most illustrious Romans offered themselves as candidates for the consulship; and it was only the distress and imminent danger of the city from the Etrurians and Samnites, and an universal alarm, that induced the citizens to cast their eyes on Fabius, who did not stand. When he saw the suffrages run for him, he arose and spoke: “Why should he be solicited, an old man, exhausted with labours and fatiated with rewards, to take the command? That neither the strength of his body or mind were the same. He dreaded the caprice of fortune. Some divinity might think his success too great, too constant, too much for any mortal. He had succeeded to the glory of his ancestors, and he saw himself with joy succeeded by others. That great honours were not wanting at Rome to valour, nor valour to honours\*.” It was extreme age, not the “slender advantages of honours,” that occasioned Fabius’s disinclination, as it did that of Cincinnatus on another occasion. This refusal, however, only augmented the desire of having him. Fabius then required the law to be read, which forbade the re-election of a consul before ten years. The tribunes proposed that it should be dispensed with, as all such laws in favour of rotations ever are when the people wish it. Fabius asked why laws were made, if they were to

\* Quid se jam senem, ac perfunctum laboribus, laborumque præmiis, sollicitarent? Nec corporis, nec animi vigorem remanere eundem, et fortunam ipsam vereri, ne cui deorum nimia jam in se fortuna, et constantior, quam velint humanæ res, videatur. Et se gloriæ seniorum succrevisse, et ad gloriam suam consurgentes alios lætum adspicere. Nec honores magnos viris fortissimis, Romæ, nec honoribus deesse fortes viros. Liv.

be broken or dispensed with by those who made them; and declared that the laws governed no longer, but were governed by men\*. The centuries, however, persevered, and Fabius was chosen. "May the gods make your choice successful!" says the old hero; "dispose of me as you will, but grant me one favour, Decius for my colleague, a person worthy of his father and of you, and one who will live in perfect harmony with me." There is no such stinginess of honours on the part of the people, nor any such reluctance to the service for want of them, as our author pretends; it was old age, and respect to the law only: and one would think the sentiments and language of Fabius sufficiently aristocratical; his glory, and the glory of his ancestors and posterity, seem to be uppermost in his thoughts: and that disinterest was not so prevalent in general appears this very year, for a great number of citizens were cited by the *Ædiles* to take their trials for possessing more land than the law permitted. All this rigour was necessary to check the avidity of the citizens. But do you suppose Americans would make or submit to a law to limit to a small number, or to any number, the acres of land which a man might possess? Fabius fought, conquered, and returned to Rome to preside in the election of the new consuls, and there appear circumstances which show, that the great zeal for him was chiefly aristocratical. The first centuries, all aristocratics, continued him. Appius Claudius, of consular dignity, and surely not one of our author's "honest, generous, and public spirits," nor one of his "single and plain-hearted men," but a warm, interested, and

\* *Jam regi leges, non regere.*



ambitious man, offered himself a candidate, and employed all his credit, and that of all the nobility, to be chosen consul with Fabius, less, as he said, for his private interest, than for the honour of the whole body of the patricians, whom he was determined to re-establish in the possession of both consulships. Fabius declined, as the year before: but all the nobility surrounded his seat, and *intreated* him, to be sure; but to do what? Why, to rescue the consulship from the dregs and filth of the people, to restore the dignity of consul, and the order of patricians, to their ancient aristocratical splendor. Fabius appears, indeed, to have been urged into the office of consul; but by whom? By the patricians, and to keep out a plebeian. The senate and people were checking each other; struggling together for a point, which the patricians could carry in no way but by violating the laws, and forcing old Fabius into power. The tribunes had once given way, from the danger of the times; but this year they were not so disposed. The patricians were still eager to repeat the irregularity; but Fabius, although he declared he should be glad to assist them in obtaining two patrician consuls, yet he would not violate the law so far as to nominate himself; and no other patrician had interest enough to keep out L. Volumnius the plebeian, who was chosen with Appius Claudius. Thus facts and events, which were evidently created by a struggle between two orders in a balanced government, are adduced as proofs in favour of a government with only one order, and without a balance.

Such severe frugality, such perfect disinterestedness in public characters, appear only, or at least most frequently, in aristocratical governments. Whenever the constitution becomes democratical, such

such austerities disappear entirely, or at least lose their influence, and the suffrages of the people; and if an unmixed and unchecked people ever choose such men, it is only in times of distress and danger, when they think no others can save them: as soon as the danger is over they neglect these, and choose others more plausible and indulgent.

There is so much pleasure in the contemplation of these characters, that we ought by no means to forget Camillus. This great character was never a popular one: to the senate and the patricians he owed his great employments, and seems to have been selected for the purpose of opposing the people.

The popular leaders had no aversion, for themselves or their families, to public honours and offices, with all their burthens. In 358 P. Licinius Calvus, the first of the plebeian order who had ever been elected military tribune, was about to be re-elected, when he arose and said, "Romans, you behold only the shadow of Licinius; my strength, hearing, memory, are all gone, and the energy of my mind is no more: suffer me to present my son to you (and he held him by the hand) the living image of him whom you honoured first of all the plebeians with the office of military tribune. I devote him, educated in my principles, to the commonwealth, and shall be much obliged to you if you will grant him the honour in my stead." Accordingly the son was elected. The military tribunes conducted with great ardour and bravery, but were defeated, and Rome was in a panic, very artfully augmented by the patricians, to give a pretext for taking the command out of plebeian hands. Camillus was created dictator by the senate, and carried on the war with such prudence, abili-

ty, and success, that he saw the richest city of Italy, that of Veii, was upon the point of falling into his hands with immense spoils. He now felt himself embarrassed: if he divided the spoils with a sparing hand among the soldiery, he would draw upon himself their indignation, and that of the plebeians in general; if he distributed them too generously, he should offend the senate: for, with all the boasted love of poverty of those times, the senate and people, the patricians and plebeians, as bodies, were perpetually wrangling about spoils, booty, and conquered lands; which further shews, that the real moderation was confined to a very few individuals or families. Camillus, to spare himself reproach and envy, dictator as he was, wrote to the senate, "that by the  
"favour of the gods, his own exertions, and the  
"patience of the soldiers, Veii would soon be in  
"his hands, and therefore he desired their direc-  
"tions what to do with the spoils." The senate were of two opinions: Licinius was for giving notice to all the citizens that they might go and share in the plunder; Appius Claudius would have it all brought into the public treasury, or appropriated to the payment of the soldiers, which would ease the people of taxes. Licinius replied, that if that money should be brought to the treasury, it would be the cause of eternal complaints, murmurs, and seditions. The latter advice prevailed, and the plunder was indiscriminate, for the city of Veii, after a ten years siege, in which many commanders had been employed, was at last taken by Camillus by stratagem; and the opulence of it appeared so great, that the dictator was terrified at his own good fortune, and that of his country. He prayed the gods, if it must be qualified with any disgrace, that it might fall upon him, not the commonwealth. This piety and patriotism, however,

however, did not always govern Camillus: his triumph betrayed an extravagance of vanity more than bordering on profaneness; he had the arrogance and presumption to harness four white horses in his chariot, a colour peculiar to Jupiter and the Sun, an ambition more than Roman, more than human. Here the people were very angry with Camillus for having too little reverence for religion: the next moment they were still more incensed against him for having too much, for he reminded them of the vow he had made to consecrate a tenth part of the spoils to Apollo. The people, in short, did not love Camillus; and the senate adored him because he opposed the multitude on all occasions, without any reserve, and appeared the most ardent and active in resisting their caprices. It was easier to conquer enemies than to please citizens\*. This mighty aristocratic grew so unpopular, that one of the tribunes accused him before the people of applying part of the spoils of Veii to his own use; and finding, upon consulting his friends, that he had no chance of acquittal, he went into voluntary banishment at Ardea: but he prayed to the gods to make his ungrateful country regret his absence. He was tried in his absence, and condemned in a fine.—Had Nedham's constitution existed at Rome, would Camillus have taken Veii, or been made dictator, or employed at all? Certainly not. Characters much more plausible would have run him down, or have obliged him to imitate all their indulgences.

In all these examples of Cincinnatus, Curius, Fabius, and Camillus, &c. our author quotes examples of virtues which grew up only in a few aristocratical families, were cultivated by the

\* *Excellentibus ingeniis citius defuerit ars quâ civem regant, quam quâ hostem superent.* Liv. ii. 43.



emulation between the two orders in the state, and by their struggles to check and balance each other, to prove the excellence of a state where there is but one order, no emulation, and no balance. This is like the conduct of a poet, who should enumerate the cheerful rays and refulgent glories of the sun in a description of the beauties of midnight.

Whether succession is, or is not, the grand preservative against corruption, the United States of America have adopted this author's idea in this "Reason," so far as to make the governor and senate, as well as the house of representatives, annually elective. They have therefore a clear claim to his congratulations. They are that happy nation: they ought to rejoice in the wisdom and justice of their trustees; for certain limits and bounds are fixed to the powers in being, by a declared succession of the supreme authority annually in the hands of the people. Third Arg.

It is still, however, problematical, whether this succession will be the grand preservative against corruption, or the grand inlet to it. The elections of governors and senators are so guarded, that there is room to hope; but, if we recollect the experience of past ages and other nations, there are grounds to fear. The experiment is made, and will have fair play. If corruption breaks in, a remedy must be provided; and what that remedy must be is well enough known to every man who thinks.

Our author's examples are taken from the Romans, after the abolition of monarchy, while the government was an aristocracy, in the hands of a senate, balanced only by the tribunes. It is most certainly true, that a standing authority in the hands

hands of one, the few, or the many, has an impetuous propensity to corruption; and it is to controul this tendency that three orders, equal and independent of each other, are contended for in the legislature. While power was in the hands of a senate, according to our author, the people were ever in danger of losing their liberty. It would be nearer the truth to say, that the people had no liberty, or a very imperfect and uncertain liberty; none at all before the institution of the tribunes, and but an imperfect share afterwards; because the tribunes were an unequal balance to the senate, and so on the other side were the consuls. "Sometimes in danger from kingly aspirers." But whose fault was that? The senate had a sufficient abhorrence of such conspiracies: it was the people who encouraged the ambition of particular persons to aspire, and who became their partisans. Melius would have been made a king by the people, if they had not been checked by the senate; and so would Manlius: to be convinced of this, it is necessary only to recollect the story.—Spurius Melius, a rich citizen of the Equestrian order, in the year before Christ 437, and of Rome the 315th, a time of scarcity and famine, aspired to the consulship. He bought a large quantity of corn in Etruria, and distributed it among the people. Becoming by his liberality the darling of the populace, they attended his train wherever he went, and promised him the consulship. Sensible, however, that the senators, with the whole Quintian family at their head, would oppose him, he must use force; and as ambition is insatiable, and cannot be contented with what is attainable, he conceived that to obtain the sovereignty would cost him no more trouble than the consulship. \*The election came on, and

and as he had not concerted all his measures, T. Quintius Capitolinus and Agrippa Menonius Lanatus were chosen by the influence of the senate. L. Minutius was continued præfectus annonæ, or superintendent of provisions: his office obliged him to do in public the same that Melius affected to do in private; so that the same kind of people frequented the houses of both. From them he learned the transactions at Melius's, and informed the senate that arms were carried into his house, where he held assemblies, made harangues, and was taking measures to make himself king; and that the tribunes, corrupted by money, had divided among them the measures necessary to secure the success of the enterprize. Quintius Capitolinus proposed a dictator, and Quintius Cincinnatus (for the Quintian family were omnipotent) was appointed. The earnest entreaties and warm remonstrances of the whole senate prevailed on him to accept the trust, after having long refused it, not from any reluctance to public service, but on account of his great age, which made him believe himself incapable of it. Imploring the gods not to suffer his age to be a detriment to the public, he consented to be nominated, and immediately appointed Ahala master of the horse, appeared suddenly in the forum with his lictors, rods, and axes, ascended the tribunal with all the ensigns of the sovereign authority, and sent his master of horse to summon Melius before him. Melius endeavoured in his first surprize to escape: a lictor seized him. Melius complained that he was to be sacrificed to the intrigues of the senate, for the good he had done the people. The people grew tumultuous: his partisans encouraged each other, and took him by force from the lictor. Melius threw

himself into the crowd: Servius followed him, run him threw with his sword, and returned, covered with his blood, to give an account to the dictator of what he had done. "You have done well," said Cincinnatus; "continue to defend your country " with the same courage as you have now delivered " it—*Maſte virtute eſto liberata republica.*"

The people being in great commotion, the dictator calls an aſſembly, and pronounces Melius juſtly killed. With all our admiration for the moderation and modeſty, the ſimplicity and ſublimity of his character, it muſt be confeſſed that there is in the harangue of Cincinnatus more of the ariftocratical jealousy of kings and oligarchies, and even more of contempt of the people, than of a ſoul devoted to equal liberty, or poſſeſſed of underſtanding to comprehend it: it is the ſpeech of a ſimple ariftocratic, poſſeſſed of a great ſoul. It was a city in which, ſuch was its ariftocratical jealousy of monarchy and oligarchy, Brutus had puniſhed his ſon; Collatinus Tarquinius, in mere hatred of his name, had been obliged to abdicate the conſulſhip and baniſh himſelf; Spurius Caſſius had been put to death for intending to be king; and the decemvirs had been puniſhed with confiſcation, exile, and death, for their oligarchy. In ſuch a city of ariftocratics Melius had conceived a hope of being a king. "Et quis homo?" ſays Cincinnatus; and who was Melius? "*quanquam nullam* "*nobilitatem, nullos honores, nulla merita, cui-* "*quam ad dominationem pandere viam; ſed* "*tamen Claudios, Caſſios, conſulatibus, decem-* "*viratibus, ſuis majorumque honoribus ſplendore* "*familiarum ſuſtuliffe animos, quo neſas fuerit\*.*"

Melius

\* "Who is this man? without nobility, without honours, without merit, to open for him a way to the monarchy"  
"Claudius,



Melius, therefore, was not only a traitor but a monster; his estate must be confiscated, his house pulled down, and the spot called Æquimelium, as a monument of the crime and the punishment, (Liv. lib. iv. c. 13, 14, 15, 16.) and his corn distributed to the populace, *very cheap*, in order to appease them. This whole story is a demonstration of the oppression of the people under the aristocracy; of the extreme jealousy of that aristocracy of kings, of an oligarchy, and of popular power; of the constant secret wishes of the people to set up a king to defend them against the nobles, and of their readiness to fall in with the views of any rich man who flattered them, and set him up as a monarch: but it is a most unfortunate instance for Nedham. It was not the people who defended the republic against the design of Melius, but the senate, who defended it against both Melius and the people. Had Rome been then governed by "Marchamont Nedham's right Constitution of

"Claudius, indeed, and Cassius, had their souls elevated to ambition by their consulships and decemvirates, by the honours of their ancestors, and the splendor of their families."—Is there an old maiden aunt Eleanor, of seventy years of age, in any family, whose brain is more replete with the haughty ideas of blood, than that of the magnanimous Cincinnatus appears in this speech? Riches are held in vast contempt! The equestrian order is no honour nor nobility; that too is held in sovereign disdain! Beneficence and charity, in a most exalted degree, at a time when his brother aristocrats were griping the people to death by the most cruel severities, and the most sordid and avaricious usury, was no merit in Melius; but consulships, decemvirates, honours, and the splendor of family, has his most profound admiration and veneration! Every circumstance of this appears in this speech, and such was the real character of the man: and whoever celebrates or commemorates Cincinnatus as a patron of liberty, either knows not his character, or understands not the nature of liberty.

"a Commonwealth," Melius would infallibly have been made a king, and have transmitted his crown to his heirs. The necessity of an independent senate, as a check upon the people, is most apparent in this instance. If the people had been unchecked, or if they had only had the right of choosing an house of representatives unchecked, they would in either case have crowned Melius.

At the critical moment, when the Gauls had approached the capital with such silence as not to awaken the centinels, or even the dogs, M. Manlius, who had been consul three years before, was awakened by the cry of the geese which, by the sanctity of their consecration to Juno, had escaped with their lives in an extreme scarcity of provisions. He hastened to the wall, and beat down one of the enemy who had already laid hold of the battlement, and whose fall from the precipice carried down several others who followed him. With stones and darts the Romans precipitated all the rest to the bottom of the rock. Manlius the next day received in a public assembly his praises and rewards. Officers and soldiers, to testify their gratitude, gave him their rations for one day, both in corn and wine, half a pound of corn and a quarter of a pint of wine. "*Ingens caritatis argumentum, cum se victu suo fraudans, detractum corpori & usibus necessariis ad honorem unius viri conferre,*" says Livy; and in the year of Rome 365, the commonwealth gave to Manlius an house upon the capital, as a monument of his valour and his country's gratitude.

In the year of Rome 370, fifty-five years after the execution of Melius, and five years after the defence of the capital from the attack of Brennus, Manlius is suspected of ambition. Those who had hitherto excited, or been excited by, the people

to faction, had been plebeians. Manlius was a patrician of one of the most illustrious families: he had been consul, and acquired immortal glory by his military exploits, and by saving the capital; he was, in short, the rival of Camillus, who had obtained two signal victories over the Gauls, and from the new birth of the city had been always in office, either as dictator or military tribune; and even, when he was only tribune, his colleagues considered him as their superior, and held it an honour to receive his orders as their chief. In short, by his own reputation, the support of the Quintian family, and the enthusiastic attachment to him he had inspired into the nation, he was, in fact and effect, to all intents and purposes king in Rome, without the name, but under the various titles of consul, dictator, or military tribune. "He treats," said Manlius, "even those created "with powers equal to his own, not as his colleagues, but officers and substitutes to execute "his orders." The aristocratical Livy, and all the other aristocrates of Rome, accuse Manlius of envy. They say he could not bear such glory in a man whom he believed no worthier than himself: he despised all the rest of the nobility: the virtues, services, and honours of Camillus, alone excited his haughtiness and self-sufficiency, and tortured his jealousy and pride: he was enraged to see him always at the head of affairs, and commanding armies. It is certain that this practice of continuing Camillus always at the head was inconsistent with the spirit of the constitution, by which a rotation was established, and the consuls who had the command of armies could remain in office but one year. But this is the nature of an aristocratical assembly as well as of a democratical one: some eminent spirit, assisted by three or four

R 3

families

families connected with him, gains an ascendancy, and excites an enthusiasm, and then the spirit and letter too of the constitution is made to give way to him. In the case before us, when Camillus could not be consul, he must be military tribune; and when he could not be military tribune, he must be dictator.

Manlius is charged with envy, and with vain speeches. "Camillus could not have recovered Rome from the Gauls if I had not saved the capital and citadel." This was literally true; but aristocratical historians must brand the character of Manlius in order to depress the people, and extol and adore that of Camillus in order to elevate the senate and the nobles. But there is no solid reason to believe that Manlius envied Camillus, more than Camillus and the Quintian family were both envious and jealous of Manlius. The house upon the capital was what the Quintian family could not bear.

The truth is, an aristocratical despotism then ruled in Rome, and oppressed the people to a cruel degree; and one is tempted to say, that Manlius was a better man than Camillus or Cincinnatus, though not so secret, designing, and profound a politician, let the torrent of aristocratical history and philosophy roll as it will. There were two parties, one of the nobles, and another of the people: Manlius, from superior humanity and equity, embraced the weaker; Camillus and the Quintii, from family pride like that of Lycurgus, domineered over the stronger party, of which they were in full possession. Manlius threw himself into the scale of the people; he entered into close intimacy and strict union with the tribunes; he spoke contemptuously of the senate, and flattered the multitude. "*Jam aurâ, non consillio*  
"*ferri,*



“ferri, famæque magnæ malle quam bonæ esse,” says the aristocrate Livy. But let us examine his actions, not receive implicitly the epithets of partial historians.—The Roman laws allowed exorbitant interest for the loan of money: an insolvent debtor, by the decree of the judge, was put into the hands of his creditor as his slave, and might be scourged, pinched, or put to death, at discretion: the most execrable aristocratical law that ever existed among men; a law so diabolical, that an attempt to get rid of it at almost any rate was a virtue. The city had been burnt, and every man obliged to rebuild his house. Not only the poorest citizen, but persons in middle life, had been obliged to contract debts. Manlius, seeing the rigour with which debts were exacted, felt more commiseration than his peers for the people. Seeing a centurion, who had distinguished himself by a great number of gallant actions in the field, adjudged as a slave to his creditor, his indignation as well as his compassion were aroused; he inveighed against the pride of the patricians, cruelty of the usurers, deplored the misery of the people, and expatiated on the merit of his brave companion in war;—surely no public oration was ever better founded: he paid the centurion’s debt, and set him at liberty, with much ostentation to be sure, and strong expressions of vanity, but this was allowable by the custom and manners of the age. The centurion too displayed his own merit and services, as well as his gratitude to his deliverer. Manlius went further; he caused the principal part of his own patrimony to be sold, “in order, Romans,” said he, “that I may not suffer any of you, whilst I have any thing left, to be adjudged to your creditors, and made slaves.” This, no doubt,

made him very popular : but, in the warmth of his democratical zeal, he had been transported upon some occasion to say in his own house, that the senators had concealed, or appropriated to their own use, the gold intended for the ransom of the city from the Gauls ; alluding, probably, to the fact, for that gold had been deposited under the pedestal of Jupiter's statue. Manlius perhaps thought that this gold would be better employed to pay the debts of the people. The senate recalled the dictator, who repaired to the forum attended by all the senators, ascended his tribunal, and ordered his lictor to cite Manlius before him. Manlius advanced with the people : on one side was the senate with their clients, and Camillus at their head ; and on the other the people, headed by Manlius ; and each party ready for battle at the word of command. And such a war will, sooner or later, be kindled in every state, where the two parties of poor and rich, patricians and plebeians, nobles and commons, senate and people, call them by what names you will, have not a third power, in an independent executive, to intervene, moderate, and balance them. The artful dictator interrogated Manlius only on the story of the gold. Manlius was embarrassed, for the superstition of the people would have approved of the apparent piety of the senate in dedicating that treasure to Jupiter, though it was probably only policy to hide it. He evaded the question, and descanted on the artifice of the senate in making a war the pretext for creating a dictator, while their real design was to employ that terrible authority against him and the people. The dictator ordered him to prison. The people were deeply affected ; but the authority was thought to be legal, and the Romans had prescribed bounds to themselves, through

through which they dare not break. The authority of the dictator and senate held them in such respect, that neither the tribunes nor the people ventured to raise their eyes or open their mouths. They put on mourning, however, and let their hair and beards grow, and surrounded the prison with continual crowds, manifesting every sign of grief and affliction. They publicly said, that the dictator's triumph was over the people, not the Volsci, and that all that was wanting was to have Manlius dragged before his chariot. Every thing discovered symptoms of an immediate revolt. Here comes in a trait of aristocratical cunning, *ad cantandum vulgus*, much more gross than any that had been practised by Manlius. To soften the people, the senate became generous all at once, ordered a colony of two thousand citizens to be sent out, assigning each of them two acres and an half of land. Though this was a largess, it was confined to too small a number, and was too moderate to take off all Manlius's friends. The artifice was perceived, and when the abdication of the dictatorship of Cossus had removed the fears of the people and set their tongues at liberty, it had small effect in appeasing the people, who reproached one another with ingratitude to their defenders, for whom they expressed great zeal at first, but always abandoned in time of danger; witness Cassius and Melius. The people passed whole nights round the prison, and threatened to break down the gates. The senate set Manlius at liberty, to prevent the people from doing it. The next year, 371, dissensions were renewed with more acrimony than ever. Manlius, whose spirit was not accustomed to humiliation, was exasperated at his imprisonment, Cossus having not dared to proceed with the  
decision

decision of Cincinnatus against Melius, and even  
 the senate having been compelled to give way to  
 the discontent of the people, was animated to at-  
 tempt a reformation of the constitution. "How  
 long," said he to the people, "will you be  
 ignorant of your own strength, of which Nature  
 has not thought fit that beasts themselves should  
 be ignorant? Count your number, and that of  
 your adversaries; shew the war, and you will  
 have peace: let them see that you are prepared,  
 and they will immediately grant what you ask;  
 determine to be bold in undertaking, or resolve  
 to suffer the utmost injuries. How long will  
 you fix your eyes upon me? Must I repeat the  
 fate of Cassius and Melius? I hope the gods  
 will avert such a misfortune from me: but  
 those gods will not descend from heaven to defend  
 me. You must remove the danger from me.  
 Shall your resistance to the senate always end in  
 submission to the yoke? That disposition is not  
 natural to you; it is the habit of suffering them  
 to ride you, which they have made their right  
 and inheritance. Why are you so courageous  
 against your enemies abroad, and so soft and  
 timorous in defence of your liberty at home?  
 Yet you have hitherto always obtained what  
 you demanded. It is now time to undertake  
 greater things. You will find less difficulty in  
 giving the senators a master, than it has cost  
 you to defend yourselves against them, while  
 they have had the power and the will to lord it  
 over you. *Dictators and consuls must be abolished,*  
*if you would have the people raise their heads.*  
 Unite with me; prevent debtors from the ri-  
 gours of those odious laws. I declare myself  
 the patron and protector of the people: if you  
 are for exalting your chief by any more splen-  
 did



“ did title, or illustrious dignity, you will only  
“ augment his power for your support, and to  
“ obtain your desires.—Ego me patronum pro-  
“ fiteor plebis : vos, si, quo insigni magis imperii  
“ honorisve nomine vestrum appellabitis ducem,  
“ eo utemini potentiore ad obtinenda ea quæ  
“ vultis.” Liv. This is a manifest intention of  
introducing a balance of three branches.

In this oration are all the principles of the English constitution. The authority and power of the people to demolish one form of government and erect another, according to their own judgment or will, is clearly asserted. The necessity of abolishing the dictators and consuls, and giving to one chief magistrate the power to controul the senate, and protect the people, is pointed out. The senate is not proposed to be abolished, nor the assemblies of the people, nor their tribunes ; but the abolition of cruel debtors laws, and redress of all the people’s grievances, is to be the consequence. The aristocracy was at that time a cruel tyranny ; the people felt it ; Manlius acknowledged it : both saw the necessity of new modelling the constitution, and introducing the three branches of Romulus and Lycurgus, with better and clearer limitations ; and both were desirous of attempting it.

If, in reading history, the glosses and reflections of historians are taken implicitly, a mistaken judgment will often be formed. Rome was an aristocracy, and Livy an aristocratical writer. The constitution of government, the principles, prejudices, and manners of the times, should never be a moment out of sight. If we believe the Romans, Manlius was actuated only by envy and ambition ; but if we consider his actions, and the form of government at the time, we should be very apt to pronounce

pronounce him both a greater and a better man than Camillus. To speak candidly, there was a rivalry between the Manlian and the Quintian families, and the struggle was which should be the first family, and who the first man: and such a struggle exists, not only in every empire, monarchy, republic, but in every city, town, and village, in the world. But a philosopher might find as good reason to say that Manlius was sacrificed to the envy, jealousy, and ambition of Camillus and the Quintii, as that his popular endeavours for the plebeians sprung from envy of Camillus, and ambition to be the first man. Both were heads of parties, and had all the passions incident to such a situation: but if a judgment must be pronounced which was the best man and citizen, there are very strong arguments in favour of Manlius. The name of king was abhorred by the Romans. But who and what had made it so? Brutus, and his brother aristocrates, at the expulsion of Tarquin, by appointing religious execrations to be pronounced in the name of the whole state, and for all succeeding ages, against such as should dare to aspire to the throne. In this way any word or any thing may be made unpopular, at any time and in any nation. The senate were now able to set up the popular cry, that Manlius aspired to the throne; this revived all the religious horror which their established execrations had made an habitual part of their natures, and turned an ignorant superstitious populace against the best friend, and the only friend they had in the republic. The senate first talked of assassination and another Ahala; but, to be very gentle, they ordered "the magistrates to take care that the commonwealth sustained no prejudice from the pernicious designs of Manlius."

This

This was worse than private assassination; it was an assassination by the senate: it was judgment, sentence, and execution, without trial. The timid staring people were intimidated, and even the tribunes caught the panic, and offered to take the odium off the senate, and cite Manlius before the tribunal of the people themselves, and accuse him in form. It is impossible not to suspect, nay fully to believe, that these tribunes were bribed secretly by the senators. They not only abandoned him with whom they had co-operated, but they betrayed the people, their constituents, in the most infamous manner. They said, that in the present disposition Manlius could not be openly attacked without interesting the people in his defence; that violent measures would excite a civil war; that it was necessary to separate the interests of Manlius from those of the people: they themselves would cite him before the tribunal of the people, and accuse him in form. Nothing, said the tribunes, is less agreeable to the people than a king: as soon as the multitude sees that your aim is not against them; that from protectors they are become judges; that their tribunes are the accusers, and that *a patrician is accused* for having aspired at the tyranny, no interest will be so dear to them as that of their liberty. Their liberty! The liberty of plebeians at that time! What a prostitution of sacred terms! Yet, gross as was this artifice, it laid fast hold of those blind prejudices which patricians and aristocrats had inspired, and duped effectually a stupid populace. Manlius was cited by the tribunes before the people: in a mourning habit he appeared, without a single senator, relation, or friend, or even his own brothers, to express concern for his fate: and no wonder; a senator, and a person of consular dignity,

dignity, was never known to have been so universally abandoned. But nothing can be more false than the reflections of historians upon this occasion: "So much did the love of liberty, and the  
" fear of being enslaved, prevail in the hearts of  
" the Romans over all the ties of blood and  
" nature!" It was not love of liberty, but absolute fear which seized the people. The senate had already condemned him by their vote, and given their consuls dictatorial power against Manlius and his friends: the tribunes themselves were corrupted with bribes or fear; and no man dared expose himself to aristocratical vengeance, unprotected by the tribunes. To prove that it was fear, and not patriotism, that restrained his relations and friends, we need only recollect another instance. When Appius Claudius, the decemvir, was imprisoned for treason, much more clear than that of Manlius, and for conduct as wicked, brutal, and cruel, as Manlius's appears virtuous, generous, and humane, the whole Claudian family, even C. Claudius, his professed enemy, appeared as suppliants before the judges, imploring mercy for their relation. His friends were not afraid. Why? Because Claudius was an enemy and hater of the people, and therefore popular with most of the patricians. His crimes were aristocratical crimes, therefore not only almost venial, but almost virtues. Manlius's offence was love of the people; and democratical misdemeanors are the most unpardonable of all that can be committed or conceived in a government where the dæmon of aristocracy domineers. Livy himself betrays a consciousness of the insufficiency of the evidence to prove Manlius's guilt: he says he can discover no proof, nor any other charge of any crime of treason, "*regni crimen*," except  
6 some



some assemblies of people, seditious speeches, generosity to debtors, and the false insinuation of the concealment of the gold. But here we see what the people are when they meet in one assembly with the senators: they dare not vote against the opinion or will of the nobles and patricians. The aristocratical part of mankind ever did, and ever will, overawe the people, and carry what votes they please in general, when they meet together with the democratical part, either in a collective or representative assembly. Thus it happened here: superstition decided. While in sight of the capital, their religious reverence for the abode of Jupiter, saved and inhabited by Manlius, was a counterbalance to their fears and veneration for the senators descended from the gods. The people could not condemn him in sight of the capital. The tribunes knowing what was in them, adjourned to another place the next day. The capital out of sight, and the senators present, condemned their deliverer, and he died a sacrifice to the rancorous envy of his peers in the senate, the consulate, and patrician order, who could not bear the sight of so splendid a distinction and elevation above themselves, in any one of their order, as Manlius's house upon the capital, and his title of Capitoline. "Homines prope  
"quadringentos produxisse dicitur, quibus sine sœ-  
"nore expensas pecunias tulisset, quorum bona ve-  
"nire, quos duci addictos prohibuisset. Ad hæc,  
"decora quoque belli non commemorasse tantum,  
"sed protulisse etiam conspicienda; spolia hostium  
"cæforum ad triginta, dona imperatorum ad qua-  
"draginta, in quibus insiges duas murales coronas,  
"civicas octo. Ad hæc servatos ex hostibus cives  
"produxisse, inter quos, C. Servillum magistrum  
"equitum, absentem nominatum: et, quum ea  
"quoque

"quoque quæ bello gesta essent, pro fastigio re-  
 "rum, oratione etiam magnificâ facta dictis æquan-  
 "do, memorasset, nudasse pectus insigne cicatrici-  
 "bus bello acceptis; et identidem capitolium  
 "spectans Jovem, deosque alios devocasse ad auxi-  
 "lium fortunarum suarum: precatusque esse, ut,  
 "quam mentem sibi Capitolinam arcem protegenti  
 "ad salutem populi Romani dedissent, eam po-  
 "pulo Romano in suo discrimine darent: et orasse  
 "singulos universosque, ut capitolium atque ar-  
 "cem intuentes, ut ad deos immortales versi, de  
 "se judicarent."

By removing the assembly from the Campus Martius, where the people were assembled in centuries (centuriatim), to the Grove (Petelinum Lucum), from whence the capital could not be seen, obstinatis animis triste judicium, with gloomy obstinacy the fatal sentence was passed, and the tribunes cast him down from the Tarpeian rock. "Such was the catastrophe," says Livy, "of a man who, if he had not lived in a free city, "would have merited fame." He should have said, if he had not lived in a simple aristocracy, and alarmed the envy of his fellow aristocrats by superiour merit, services, and rewards, especially that most conspicuous mark, his house upon the capital, and his new title, or agnomen, Capitoli-nus, which mortal envy could not bear.

He was no sooner dead than the people repent-  
 ed and regretted him: a sudden plague that broke  
 out was considered as a judgment from Heaven  
 upon the nation, for having polluted the capital  
 with the blood of its deliverer.

The history of Manlius is an unanswerable ar-  
 gument against a simple aristocracy; it is a proof  
 that no man's liberty or life is safe in such a go-  
 vernment: the more virtue and merit he has, the  
 more

more in danger, the more certain his destruction. It is a good argument against a standing sovereign and supreme authority in an hereditary aristocracy; so far Nedham quotes it pertinently, and applies it justly: but when the same example is cited to prove that the people in one supreme assembly, successively chosen, are the best keepers of their liberty, so far from proving the proposition, it proves the contrary, because that Camillus, the Quintii, and Manlius, will all be chosen into that one assembly by the people; the same emulation and rivalry, the same jealousy and envy, the same struggles of families and individuals for the first place, will arise between them. One of them will have the rich and great for his followers, another the poor; hence will arise two, or three, or more parties, which will never cease to struggle till war and bloodshed decides which is the strongest. Whilst the struggle continues, the laws are trampled on, and the rights of the citizens invaded by all parties in turn; and when it is decided, the leader of the victorious army is emperor and despot.

Nedham had forgotten the example of Cassius, which would have been equally apposite to prove a simple aristocracy a bad government, and equally improper to prove that the people in their supreme assemblies, successively chosen, are the best keepers of their liberty. It is also equally proper to prove the contrary, and to shew that such a simple democracy is as dangerous as a simple aristocracy. These examples all show that the natural principles of the English constitution were constantly at work among the Roman people: that nature herself was constantly calling out for two masters to controul the senate, one in a

king or single person possessed of the executive power, and the other in an equal representation of the people possessed of a negative on all the laws, and especially on the disposal of the public money. As these examples are great illustrations of our argument, and illustrious proofs of the superior excellence of the American constitutions, we will examine the story of Cassius before we come to that of the decemvirs.

- The first notice that is taken of Cassius is in the
252. year 252, when he was consul, gained considerable advantages over the Sabines, and received
256. the honour of a triumph. In 256 he was chosen by Lartius the first dictator, general of the horse, and commanded a division of the army with
261. success against the Latines. In the year 261, when disputes ran so high between patricians and plebeians, that no candidate appeared for the consulship, and several refused, the vessel was in such a storm that nobody would accept the helm. The people who remained in the city at last nominated Posthumius Cominius, A. R. 261, and Spurius Cassius, who were believed equally agreeable to plebeians and patricians. The first thing they did was to propose the affair of the debts to the senate: a violent opposition ensued, headed by Appius, who constantly insisted that all the favour shewn the populace only made them the more insolent, and that nothing but inflexible severity could reduce them to their duty. The younger senators all blindly adopted this opinion: nothing passed; in several tumultuous assemblies, but altercations and mutual reproaches. The ancient senators were all inclined to peace. Agrippa, who had observed a sagacious medium, neither flattering the pride of the great, nor favouring the licence of the people, being one of the new  
senators



senators whom Brutus had chosen after the expulsion of Tarquin, supported the opinion that the good of the state required the re-establishment of concord among the citizens. Sent by the senate on a committee to treat with the people retired to the sacred mountain, he spoke his celebrated fable of the Belly and the Members. The people at this conference, which was in 261, insisted, that as, by the creation of dictators with unlimited authority, the law, which admitted appeals to the people from the decrees of any magistrate whatever, was eluded, and in a manner made void, tribunes should be created, a new species of magistrates, whose sole duty should be the conservation of their rights. The affair of Coriolanus happened in this interval, between the first consulate of Sp. Cassius in 261, and the second in 268; in which, probably, he had acted in favour of the people in establishing the tribunate, and in defending them against Coriolanus, Appius Claudius, and the other oligarchic senators. This year, 268, he marched against the Volsci and Hernici, who made peace, and the consul obtained the honour of a triumph.

268.

Cassius, after his triumph, represented to the senate, that “ the people merited some reward for  
“ the services they had rendered the common-  
“ wealth, for defending the public liberty, and  
“ subjecting new countries to the Roman power:  
“ that the lands acquired by their arms belonged  
“ to the public, though some patricians had ap-  
“ propriated them to themselves: that an equita-  
“ ble distribution of these lands would enable the  
“ poor plebeians to bring up children for the  
“ benefit of the commonwealth; and that such a  
“ division alone could establish that equality which  
“ ought to subsist between the citizens of the

"same state." He associated in this privilege the Latines settled at Rome, who had obtained the freedom of the city.—*Tum primum lex Agraria promulgata est.* Liv. l. ii. 41. This law, which had at least a great appearance of equity, would have relieved the misery of the people, and no doubt rendered Cassius popular. The Romans never granted peace to their enemies until they had taken some of their territory from them. Part of such conquests were sold to defray the expence of the war: another portion was distributed among the poor plebeians. Some cantons were farmed out for the public: rapacious patricians, solely intent upon enriching themselves, took possession of some; and these lands, unjustly usurped by the rich, Cassius was for having distributed anew in favour of the plebeians.

The aristocratical pride, avarice, and ambition, were all incensed, and the senators greatly alarmed. The people discovered symptoms that they begun to think themselves of the same species with their rulers, and one patrician of consular dignity dared to encourage them in such presumptuous and aspiring thoughts.

Some device or other must be invented to dupe the people, and ruin their leader: Virginus the consul soon hit upon an expedient. Rabuleius the tribune asked him in assembly, what he thought of this law? He answered, he would willingly consent that the lands should be distributed among the Roman people, provided the Latines had no share; *divide et impera*. This distinction, without the least appearance of equity, was addressed simply to the popular hatred between the Romans and Latines, and the bait was greedily swallowed. The people were highly pleased with the consul, and began to despise Cassius, and to suspect

suspect him of ambition to be king. He continued his friendly intentions towards the people, and proposed in senate to reimburse, as it was but just, out of the public treasury, the money which the poorer citizens had paid for the corn of which Gelo, king of Syracuse, had made the commonwealth a present during the scarcity. But even this was now represented by the senate, and suspected by the people, to be only soliciting popular favour; and although the people felt every hour the necessity of a king to protect them against the tyranny of the senate, yet they had been gulled by patrician artifice into an oath against kings, and although they felt the want of such a magistrate, they had not sense enough to see it. The Agrarian law was opposed in senate by Appius and Sempronius, and evaded by the appointment of ten commissioners to survey the lands.

The next year Cassius was cited before the people, and accused by the quæstors of having taken secret measures for opening a way to the sovereignty; of having provided arms, and received money from the Latines and Hernici; and of having made a very great party among the most robust of their youth, who were continually seen in his train.

The people heard the quæstors, but gave no attention to Cassius's answer and defence. No consideration for his children, his relations, and friends, who appeared in great numbers to support him; no remembrance of his great actions, by which he had raised himself to the first dignities; nor three consulships and two triumphs, which had rendered him very illustrious, could delay his condemnation; so unpardonable a crime with the Romans was the slightest suspicion of aspiring at regal power!

power! so ignorant, so unjust, so ungrateful, and so stupid were that very body of plebeians, who were continually suffering the cruel tyranny of patricians, and continually soliciting protectors against it! Without regarding any moderation or proportion, the blind tools of the hatred and vengeance of their enemies, they condemned Cassius to die, and the quaestors instantly carried him to the Tarpeian rock, which fronted the forum, and threw him down, in the presence of the whole people. His house was demolished, and his estate sold, to purchase a statue to Ceres; and the faction of the great grew more powerful and haughty, and rose in their contempt for the plebeians, who lost courage in proportion, and soon reproached themselves with injustice, as well as imprudence, in the condemnation of the zealous defender of their interests. They found themselves cheated in all things. The consuls neither executed the senate's decree for distributing the lands, nor were the ten commissioners elected. They complained, with great truth, that the senate did not act with sincerity; and accused the tribunes of the last year of betraying their interests. The tribunes of this year warmly demanded the execution of the decree; to elude which a new war was invented. The patricians preserved their aristocratical tyranny for many centuries, by keeping up continually some quarrel with foreigners, and by frequently creating dictators. The patricians, in the assemblies by centuries, had an immense advantage over the plebeians. The consuls were here chosen by the patricians, as Cassius and Manlius were murdered by assemblies in centuries. In 270 Cæso Fabius, one of Cassius's accusers, was chosen consul, though very unpopular. In 271 the other of Cassius's accusers was chosen consul.

270.

271.

In



In these contests the steadiness of the patricians is as remarkable as the inconstancy of the plebeians; the sagacity of the former as obvious as the stupidity of the latter; and the cruelty of the former as conspicuous as the ingratitude of the latter. Prejudice, passion, and superstition, appear to have altogether governed the plebeians, without the least appearance of their being rational creatures, or moral agents; such was their total ignorance of arts and letters, all the little advantages of education which then existed being monopolized by the patricians. The aristocracy appears in precisely the same character, in all these anecdotes, as we before saw it in Venice, Poland, Bern, and elsewhere. The same indispensable necessity appears in all of them, in order to preserve even the appearance of equity and liberty, to give the patricians a master in the first executive magistrature, and another master in a house of commons:—I say, master; for each of the three branches must be, in its turn, both master and servant, governing and being governed by turns.

To understand how the people were duped upon these occasions, and particularly how Manlius was condemned to death, we must recollect that the tribunes cited him before the people, not in their *curiæ*, but centuries. The centuries were formed on an artful idea, to make power accompany wealth. The people were divided into classes, according to the proportion of their fortunes: each class was divided into centuries; but the number of centuries in the different classes was so unequal, that those of the first, or richest class, made a majority of the whole, and when the centuries of this class were unanimous they decided the question. By this institution the rich were masters of the legislature.

*State of the Classes and Centuries.*

Class.		Roman Valuation.		Sterling. £. s.		N <sup>o</sup> of Centuries.
1	—	100,000	=	322 18	—	98
2	—	75,000	=	242 3	—	21
3	—	50,000	=	161 9	—	21
4	—	25,000	=	80 14	—	21
5	—	11,000	=	35 10	—	31
6	—	—	=	—	—	1

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Total 193 from  
98 sub.

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Majority of the first class 95  
3

So that by citing Manlius before the people by centuries, the senate were sure of a vote for his destruction, and the people had not sense to see it, or spirit to alter it.

Nedham thus far appears to reason fairly and conclusively, when he adduces the examples of Melius and Manlius, and he might have added Cassius, to prove that the people are ever in danger of losing their liberty, and indeed he might have advanced that they never have any liberty, while they are governed by one senate. But these examples do not prove what he alledges them to prove, viz. that the people, in their supreme assemblies, successively chosen, are the best keepers of their liberty; because such an assembly is subject to every danger of a standing hereditary senate; and more, the first vote divides it into two parties, and the majority is omnipotent, and the minority defenceless. He should have adduced these

these examples to prove the necessity of separating the executive, legislative, and judicial, and of dividing the legislature into three branches, making the executive one of them, and independent of the other two. This is the only scientific government; the only plan which takes into consideration all the principles in nature, and provides for all cases that occur. He is equally right, and equally wrong, in the application of his other examples. "The people," says he, "were sometimes in danger of a surprise by a grandee cabinet or junto, as that upstart tyranny of the decemviri, where ten men made a shift to enslave the senate as well as the people." It is no wonder that Cassius, Melius, and Manlius, were sacrificed to the passions of the senate, for until the year of Rome 300, the Romans had no certain laws; so that the consuls and senators, acting as judges, were absolute arbiters of the fate of the citizens. Terentillus, a tribune, had proposed an ordinance that laws should be instituted, as rules of right, both in public and private affairs. The senate had eluded and postponed, by various artifices, the law of Terentillus until this year, 300, when the tribunes solicited the execution of it with great spirit; and the senate, weary of contention, or apprehensive of greater danger, at length decreed, "That ambassadors should be sent to Athens, and to the Greek cities in Italy, to collect such laws as they should find most conformable to the constitution of the Roman commonwealth; and that at their return the consuls should deliberate with the senate upon the choice of legislators, of the power to be confided to them, and the time they were to continue in office." Sp. Posthumius, Servius Sulpicius, and A. Manlius, three persons of consular dignity, were appointed deputies.

deputies. Three gallies were prepared by the public, of a magnificence that might do honour to the Roman people.

In the year 302 the ambassadors were returned, and Appius Claudius, whose ancestors had always been haughty aristocrats, was chosen consul, with T. Gentius for his colleague. The senate assembled, and resolved that decemviri should be elected out of the principal senators, whose authority should continue a year; that they should govern the commonwealth with all the power which the consuls then had, and as the kings had formerly exercised, and without any appeal from their judgments; that all other magistracies, and even the tribuneship, should be abolished. This decree was received by the people with loud acclamations. An assembly, by centuries, was immediately held, and the new magistrates created, and the old ones all abdicated their offices. Thus the constitution was wholly changed, and all authority transferred to one centre, the decemvirs. It was soon exercised like all other authorities in one centre. We see here the effect of two powers, without a third. The people from hatred to the consuls, and the senate from hatred to the tribunes, unite at once in a total abolition of the constitution.

The constitution of the decemvirs was precisely Nedham's idea; it was annually eligible; it was the people's government in their successive assemblies: but we find that an annual power, without any limits, was a great temptation. The decemvirs were all senators of consular dignity, and therefore, in the opinion of the people themselves, the most eminent for talents and virtues; yet their virtues were not sufficient to secure an honest use of their unbounded power. They took many  
precautions



precautions to preserve their own moderation, as well as to avoid exciting jealousy in their fellow-citizens: only one had the rods and axes, the others had nothing to distinguish them but a single officer, called *Accensus*, who walked before each of them. Their president continued only one day; and they succeeded each other daily, till the end of the year.—It is much to our purpose to enlarge upon this example; because, instead of being an argument for *Nedham's* inconcinnate system, it is full proof against it. The course of passions and events, in this case, were precisely the same as will take place in every simple government of the people, by a succession of their representatives, in a single assembly: and whether that assembly consists of ten members, or five hundred, it will make no difference. In the morning, the *decemviri* all went to their tribunal, where they took cognizance of all causes and affairs, public and private; justice was administered with all possible equity; and every body departed with perfect satisfaction. Nothing could be so charming as the regard they professed for the interests of the people, and the protection which the meanest found against the oppression of the great. It was now generally affirmed, that there was no occasion for tribunes, consuls, prætors, or any other magistrates. The wisdom, equity, moderation, and humanity of the new government, was admired and extolled. What peace, what tranquillity, what happiness were enjoyed by the public, and by individuals! what a consolation! what glory to the *decemvirs*! *Appius Claudius*, especially, engrossed the whole glory of the administration in the minds of the people. He acquired so decided an ascendancy over his colleagues, and so irresistible an influence with the people, that the  
whole

whole authority seemed centred in him. He had the art to distinguish himself, peculiarly, in whatever he transacted, in concert with his colleagues. His mildness and affability, his kind condescension to the meanest and weakest of the citizens, and his polite attention in saluting them all by their names, gained him all hearts. Let it be remembered, he had, till this year, been the open enemy of the plebeians. As his temper was naturally violent and cruel, his hatred to the people had arisen to ferocity. On a sudden he was become another man; humane, popular, obliging, wholly devoted to please the multitude, and acquire their affections. Every body delighted in the government of the decemvirs, and a perfect union prevailed among themselves. They completed their body of laws, and caused it to be engraved on ten tables: they were ratified by the senate, confirmed by the people in the comitia centuriata, engraven on pillars of brass, and placed in the forum. The year was upon the point of expiring; and as the consuls and senators found themselves delivered by the new government from the persecutions of the tribunes, and the people from what they equally hated, the authority of the consuls, both parties agreed in the propriety of choosing ten successors. It was pretended, that some further laws might be still wanting; that a year was too short to complete so great a work; and that to carry the whole into full effect, the independent authority of the same magistracy would be necessary. That which must happen upon all annual elections of such a government in one centre, happened in this case. The city was in a greater and more universal ferment than had ever been known. Senators, the most distinguished by age and merit, demanded the office; no doubt to prevent  
factious

factious and turbulent spirits from obtaining it. Appius, who secretly intended to have himself continued, seeing those great persons, who had passed through all dignities, so eager in pursuit of this, was alarmed. The people, charmed with his past conduct while decemvir, openly clamoured to continue him in preference to all others. He affected at first a reluctance, and even a repugnance, at the thought of accepting a second time an employment so laborious, and so capable of exciting jealousy and envy against him. To get rid of his colleagues, and to stimulate them to refuse the office, he declared upon all occasions, that as they had discharged their duty with fidelity, by their assiduity and anxious care for a whole year, it was but just to allow them repose, and appoint them successors. The more aversion he discovered, the more he was solicited. The desires and wishes of the whole city, the unanimous and earnest solicitations of the multitude, were at length, with pain and reluctance, complied with. He exceeded all his competitors in artifice: he embraced one, took another by the hand, and walked publicly in the forum, in company with the Duillii and Icillii, the two families who were the principals of the people, and the pillars of the tribunate. His colleagues, who had been hitherto his dupes, knowing these popular condescensions to be contrary to his character, which was naturally arrogant, began to open their eyes: but not daring to oppose him openly, they opposed their own address to his management. As he was the youngest among them, they chose him president, whose office it was to nominate the candidates to offices, relying upon his modesty not to name himself; a thing without example, except among the tribunes. But modesty and decency were found in him but feeble barriers

barriers against ambition: he not only caused himself to be elected, but excluded all his colleagues of the last year, and filled up the nine other places with his own tools, three of whom were plebeians. The senate, and whole patrician body, were astonished at this, as it was thought by them contrary to his own glory, and that of his ancestors, as well as to his haughty character. This popular trait entirely gained him the multitude. It would be tedious to relate the manner in which they continued their power from year to year, with the most hardened impudence on their part, the most silly acquiescence of the people, and the fears of the senate and patricians. Their tyranny and cruelty became at length intolerable; and the blood of Virginia, on a father's dagger, was alone sufficient to arouse a stupid people from their lethargy.

Is it not absurd in Nedham to adduce this example, in support of his government of the people by their successive representatives annually chosen? Were not the decemvirs the people's representatives? and were not their elections annual? and would not the same consequences have happened, if the number had been one hundred, or five hundred, or a thousand, instead of ten?—"O, but the people of Rome should not have continued them in power from year to year."—How will you hinder the people from continuing them in power? If the people have the choice, they may continue the same men; and we certainly know they will: no bonds can restrain them. Without the liberty of choice, the deputies would not be the people's representatives. If the people make a law, that the same man shall never serve two years, the people can and will repeal that law; if the people impose upon themselves an oath, they will soon  
 Yay



say and believe they can dispense with that oath: in short, the people will have the men whom they love best for the moment, and the men whom they love best will make any law to gratify their present humour. Nay more, the people ought to be represented by the men who have their hearts and confidence, for these alone can ever know their wants and desires: but these men ought to have some check to restrain them, and the people too, when those desires are for forbidden fruit—for injustice, cruelty, and the ruin of the minority:—and that the desires of the majority of the people are often for injustice and inhumanity against the minority, is demonstrated by every page of the history of the whole world.

We come next to the examples of continuing power in particular persons. The Romans were swallowed up, by continuing power too long in the hands of the triumvirates of emperors, or generals. The first of these were Cæsar, Pompey, and Crassus. But who continued the power of Cæsar? If the people continued it, the argument arising from the example is against a simple government of the people, or by their successive representative assemblies. Was it the senate, was it the standing permanent power in the constitution, that conferred this continuance of power on Cæsar? By no means. It is again necessary to recollect the story, that we may not be imposed on. No military station existed in Italy, lest some general might overawe the republic. Italy, however, was understood to extend only from Tarentum to the Arnus and the Rubicon. Cisalpine Gaul was not reputed in Italy, and might be held by a military officer and an army. Cæsar, from a deliberate and sagacious ambition, procured from the people an unprecedented prolongation of his appointments for five years; but the distribu-  
tion

tion of the provinces was still the prerogative of the senate, by the Sempronian law. Cæsar had ever been at variance with a majority of the senate. In the office of prætor he had been suspended by them: in his present office of consul, he had set them at open defiance. He had no hopes of obtaining from them the prolongation of his power, and the command of a province. He knew that the very proposal of giving him the command of Cisalpine Gaul for a number of years would have shocked them. In order to carry his point, he must set aside the authority of the senate, and destroy the only check, the only appearance of a balance, remaining in the constitution. A tool of his, the tribune Vatinius, moved *the people* to set aside the law of Sempronius, and by their own unlimited power name Cæsar as proconsul of Cisalpine Gaul and Illyricum for five years, with an army of several legions. The senate were alarmed, and in vain opposed. The people voted it. The senate saw that all was lost, and Cato cried, "You have placed a king, with his guards, in your citadel." Cæsar boasted, that he had prevailed both in obtaining the consulate and the command, not by the concession of the senate, but in direct opposition to their will. He was well aware of their malice, he said. Though he had a consummate command of his temper, and the profoundest dissimulation, while in pursuit of his point, his exuberant vanity braved the world when he had carried it. He now openly insulted the senate, and no longer concealed his connection with Pompey and Crassus, whom he had over-reached to concur in his appointment. Thus, one of the clearest and strongest examples in history, to shew the necessity of a balance between an independent senate and an independent people,

people, is adduced by Nedham in favour of his indigested plan, which has no balance at all. The other example of Augustus, Antony, and Lepidus, is not worth considering particularly; for the trial between them was but a struggle of arms, by military policy alone, without any mixture of civil or political debates or negotiations.

The fourth reason is, "because a succession of  
"supreme powers destroys faction:" which is de- Fourth  
Arg.  
fined to be an adherence to an interest distinct from the true interest of the state.

In this particular one may venture to differ altogether from our author, and deny the fact, that a succession of sovereign authority in one assembly, by popular elections, destroys faction. We may affirm the contrary, that a standing authority in an absolute monarch, or an hereditary aristocracy, are less friendly to the monster than a simple popular government; and that it is only in a mixed government of three independent orders, of the one, the few, and the many, and three separate powers, the legislative, executive, and judicial, that all sorts of factions, those of poor and the rich, those of the gentlemen and common people, those of the one, the few, and the many, can, at all times, be quelled. The reason given by our author is enough to prove this: "Those who are factious must have time to improve their sleights and projects, in disguising their designs, drawing in instruments, and worming out their opposites." In order to judge of this, let us put two suppositions: 1. Either the succession must be by periodical elections, simply; or, 2. by periodical elections in rotation: and, in either case, the means and opportunities of improving address and systems, concealing or feigning designs, making friends and escaping  
Vol. III. T enemies,

enemies, are greater in a succession of popular elections than in a standing aristocracy or simple monarchy, and infinitely greater than in a mixed government. When the monster Faction is watched and guarded by Cerberus with his three heads, and a sop is thrown to him to corrupt or appease him, one mouth alone will devour it, and the other two will give the alarm.—But to return to our first case, a succession in one assembly, by simple annual elections. Elections are the best possible schools of political art and address. One may appeal to any man who has equal experience in elections and in courts, whether address and art, and even real political knowledge, is not to be acquired more easily, and in a shorter time, in the former than in the latter. A king of France once asked his most able and honest ambassador d'Offat, where he had learned that wonderful dexterity, with which he penetrated into the bosoms of men of all nations and characters, unravelled every plait in the human soul, and every intricacy of affairs and events? The cardinal answered, “Sire, I learned it all, in my youth, at the election of a parish officer.” It is a common observation in England, that their greatest statesmen, and their favourite Chatham among the rest, were formed by attendance on elections. The human heart is no where so open and so close by turns. Every argument is there exhausted; every passion, prejudice, imagination, superstition, and caprice, is easily and surely learned among these scenes. One would suspect that Shakespear had been an electioneering agent. When these elections are in a single city, like Rome, there will be always two sets of candidates: if one set succeeds one year, the other will endeavour to succeed the next. This will make the whole year a scene of faction and intrigue, and every citizen,

except



except perhaps a very few who will not meddle on either side, a partisan or factious man. If the elections are in a large country like England, for example, or one of the United States of America, where various cities, towns, boroughs, and corporations, are to be represented, each scene of election will have two or more candidates, and two or more parties, each of which will study its sleights and projects, disguise its designs, draw in tools, and worm out enemies. We must remember, that every party, and every individual, is now struggling for a share in the executive and judicial power as well as legislative, for a share in the distribution of all honours, offices, rewards, and profits. Every passion and prejudice of every voter will be applied to, every flattery and menace, every trick and bribe that can be bestowed, and will be accepted, will be used; and, what is horrible to think of, that candidate or that agent who has fewest scruples; who will propagate lies and slanders with most confidence and secrecy; who will wheedle, flatter, and cajole; who will debauch the people by treats, feasts, and diversions, with the least hesitation, and bribe with the most impudent front, which can consist with hypocritical concealment, will draw in tools and worm out enemies the fastest: unfulfilled honour, sterling integrity, real virtue, will stand a very unequal chance. When vice, folly, impudence, and knavery, have carried an election one year, they will acquire, in the course of it, fresh influence and power to succeed the next. In the course of the year, the delegate in an assembly that disposes of all commissions, contracts, and pensions, has many opportunities to reward his friends among his own constituents, and to punish his enemies. The son or other relation of one friend has a

T 2

commission

commission given him in the army, another in the navy, a third a benefice in the church, a fourth in the customs, a fifth in the excise; shares in loans and contracts are distributed among his friends, by which they are enabled to increase their own and his dependents and partisans, or, in other words, to draw in more instruments and parties, and worm out their opposites. All this is so easy to comprehend, so obvious to sight, and so certainly known in universal experience, that it is astonishing that our author should have ventured to assert, that such a government kills the canker-worm Faction.

But to consider the subject in one other point of view, let us introduce the idea of a rotation, by which is here meant, not merely vacating a seat, which the electors may fill again with the same subject, but a fundamental law, that no man shall serve in the sovereign assembly more than one year, or two or three years, or one in three, or three in six, &c. : for example, suppose England, or any one of the United States, governed by one sovereign assembly, annually elected, with a fundamental law, that no member should serve more than three years in six; what would be the consequence? In the first place, it is obvious that this is a violation of the rights of mankind; it is an abridgment of the rights both of electors and candidates. There is no right clearer, and few of more importance, than that the people should be at liberty to choose the ablest and best men, and that men of the greatest merit should exercise the most important employments; yet, upon the present supposition, the people voluntarily resign this right, and shackle their own choice. This year the people choose those members who are the ablest, wealthiest, best qualified, and have most

of their confidence and affection. In the course of the three years they increase their number of friends, and consequently their influence and power, by their administration, yet at the end of three years they must all return to private life, and be succeeded by another set, who have less wisdom, wealth, and virtue, and less of the confidence and affection of the people. Will either they or the people bear this? Will they not repeal the fundamental law, and be applauded by the nation, at least by their own friends and constituents, who are the majority for so doing? But supposing so unnatural and improbable a thing, as that they should yet respect the law, what will be the consequence? They will in effect nominate their successors, and govern still. Their friends are the majority, their successors will be all taken from their party, and the mortified minority will see themselves the dupes. Those men who have the most weight, influence, or power, whether by merit, wealth, or birth, will govern, whether they stay at home or go to parliament. Such a rotation then will only increase and multiply factions.

Our author's examples must be again examined. "What made the Roman kings factious, but a continuation of power in their persons and families?" If it is admitted that they were factious, as Tarquin no doubt was, it is certain that the nobles about them were much more so; and their factious actions were chiefly occasioned by the eternal jealousy and envy, rivalry and ambition, of the great families that were nearest to them. But the effect was produced by their powers being undefined, unlimited by law, and unchecked by constitutional power, not by its prolongation. The power of the king, and the

power of the senate, were continued; and neither was checked, for the people had not a power adequate to the purpose of checking either, much less both: both grew factious, but the senate most so, and drove away the king, that they might have the exclusive power of being factious, and without the least regard to the liberty of the people.

“After the Romans became a commonwealth, “was it not for the same reason that the senate “fell into such heats and fits among themselves?” It may be truly answered, that it was not the continuation of power in the senate, but the powers being unlimited, that made it factious. A power without a check is a faction. The senate itself was a faction from the first moment after the expulsion of the kings. But if the senate had been annually chosen by the people, and held the same unlimited power, their factions, heats, and fits, would have been much earlier and more violent. “Did not Appius Claudius and his junto by the “same means lord it over the senate?” It was, again, the illimitation of his power that enabled him to lord it. It was granted only for one year. And who continued it? The people. And who can hinder the people, when they have no check, from continuing power? Who ought to hinder them? But if Appius’s unchecked power had grown up from step to step, by a series of popular elections, he would not have lorded it less: he might have possessed Virginia, and have murdered her father with impunity. Continuation of power, in the same persons and families, will as certainly take place in a simple democracy, or a democracy by representation, as in an hereditary aristocracy or monarchy. This evil, if it be one, will not be avoided nor remedied, but increased and aggravated,



vated, by our author's plan of government. The continuation will be certain; but it will be accomplished by corruption, which is worse than a continuation by birth; and if corruption cannot effect the continuation, sedition and rebellion will be resorted to: for a degraded, disappointed, rich and illustrious family would at any time annihilate heaven and earth, if it could, rather than fail of carrying its point.

It is our author's peculiar misfortune, that all his examples prove his system to be wrong. "Whence was it that Sylla and Marius caused so many proscriptions, cruelties, and combustions in Rome, but by an extraordinary continuation of power in themselves?" Continuation of power in Marius, &c. enabled him to commit cruelties to be sure: But who continued him in power? was it the senate or the people? By the enthusiasm of the people for Marius, he had surrounded himself with assassins, who considered the patricians, nobles, and senate, as enemies to their cause, and enabled him and his faction to become masters of the commonwealth. The better sort of people, the really honest and virtuous republicans, were discouraged and deterred from frequenting the public assemblies. He had recourse to violence in the elections of tribunes, that he might carry the choice of a prostituted tool of his own, Apuleius, against the senate and nobles; and because their candidate Nonius was chosen, though now vested with a sacred character, Marius's creatures murdered him. No man had courage to propose an enquiry into the cause of his death. Apuleius, to gratify his party, proposed new laws, to distribute lands to the poor citizens and to the veteran soldiers, to purchase more lands for the same purpose, to remit the price of corn already distributed

distributed from the public granaries, and to distribute still more gratis, at the public expence, to the people. In vain did the quæstor and the senate represent that there would be an end of industry, order, and government. Apuleius, to extend the power of the popular assemblies, and remove every check from his own and Marius's designs, brought forward new laws: 1. That the acts of the tribes should have the force of laws; 2. That it should be treason to interrupt a tribune; 3. That the senate should be compelled to take an oath to confirm every act of the tribes in five days. The power of the senate was thus entirely suppressed: their branch of the legislature was reduced to a mere form, and even the form they were not at liberty to refuse. Marius, though he was at the bottom of this measure at first, by the most abandoned hypocrisy declared himself in senate against taking the oath, in order to ruin Metellus and all the other honest men; and, as soon as he had accomplished this, he took the oath, and compelled the rest to do the same. It was by flattery, bribery, artifice, and violence, that Marius and Apuleius prevailed with the people to continue their power, in opposition to all that the senate could do to prevent it. What would have been the consequence then if there had been no senate? Would not the majority of the people in the tribes have continued their power, against all that could have been done by the minority? Would not still more of the public lands, money, and grain, have been lavished upon proper instruments among the majority, and the minority have been compelled to pay the expence? Our author affects to say, that the "senate and people continued the powers of Pompey and Cæsar." But Cæsar himself knew it was the

the people, and not the senate; and if the senate continued Pompey, it was because Cæsar and the people laid them under the necessity of doing it in their own defence. Would Cæsar have had less "command in Gallia," if the people, or their successive assemblies, had been possessed of all power? It is most obvious, that a majority of the people, in that case, would have continued Cæsar as long as he desired, and have given him as much power as he wished: so that every step of our author's progress demonstrates his system to be false. It is idle to say, that a continuation of power increases influence, and spreads corruption, unless you point out a way to prevent such a continuance of power. To give all power to the people's successive single representative assemblies, is to make the continuance of power, with all its increasing influence and corruption, certain and inevitable. You may as wisely preach to the winds, as gravely exhort a triumphant majority to lay down their power.

It is undoubtedly honourable in any man, who has acquired a great influence, unbounded confidence, and unlimited power, to resign it voluntarily; and odious to take advantage of such an opportunity to destroy a free government: but it would be madness in a legislator to frame his policy upon a supposition that such magnanimity would often appear. It is his business to contrive his plan in such a manner, that such unlimited influence, confidence, and power, shall never be obtained by any man. The laws alone can be trusted with unlimited confidence:—Those laws, which alone can secure equity between all and every one\*; which are the bond of that dignity which we enjoy in the commonwealth; the

\* *Quod æquabile inter omnes atque unum, omnibus esse potest. Cic. p. Cæcin.*

foundation of liberty, and the fountain of equity; the mind, the soul, the counsel, and judgment of the city; whose ministers are the magistrates, whose interpreters the judges, whose servants are all men who mean to be free \* :—Those laws, which are right reason, derived from the Divinity, commanding honesty, and forbidding iniquity; which are silent magistrates, where the magistrates are only speaking laws; which, as they are founded in eternal morals, are emanations of the Divine mind †.

Fifth  
Arg.

If, “ the life of liberty, and the only remedy  
“ against self-interest, lies in succession of powers  
“ and persons,” the United States of America have taken the most effectual measures to secure that life and that remedy, in establishing annual elections of their governors, senators, and representatives. This will probably be allowed to be as perfect an establishment of a succession of powers and persons as human laws can make: but in what manner annual elections of governors and senators will operate remains to be ascertained. It should always be remembered, that this is not the first experiment that was ever made in the world of elections to great offices of state: how they

\* Hoc vinculum est hujus dignitatis quâ fruimur in republica, hoc fundamentum libertatis, hic fons æquitatis. Mens, et animus, et consilium, et sententia civitatis, posita est in legibus. Ut corpora nostra sine mente, sic civitas sine lege suis partibus, ut nervis ac sanguine et membris, uti non potest. Legum ministri, magistratus: legum interpretes iudices: legum denique idcirco omnes servi sumus, ut liberi esse possimus. Cic. pro Cluent. 146.

† Lex nihil aliud est nisi recta, et a numine Deorum tracta ratio, imperans honesta, prohibens contraria. Cic. ii. in Anton. 28. Illa Divina mens summa lex est. De Leg. ii. 11. Magistratum legem esse loquendum, legem magistratum mutum. De Leg. iii. 2.



have hitherto operated in every great nation, and what has been their end, is very well known. Mankind have universally discovered that chance was preferable to a corrupt choice, and have trusted Providence rather than themselves. First magistrates and senators had better be made hereditary at once, than that the people should be universally debauched and bribed, go to loggerheads, and fly to arms regularly every year. Thank Heaven! Americans understand calling conventions; and if the time should come, as it is very possible it may, when hereditary descent shall become a less evil than annual fraud and violence, such a convention may still prevent the first magistrate from becoming absolute as well as hereditary.—But if this argument of our author is considered as he intended it, as a proof that a succession of powers and persons in one assembly is the most perfect commonwealth, it is totally fallacious.

Though we allow benevolence and generous affections to exist in the human breast, yet every moral theorist will allow the selfish passions in the generality of men to be the strongest. There are few who love the public better than themselves, though all may have some affection for the public. We are not, indeed, commanded to love our neighbour better than ourselves. Self-interest, private avidity, ambition, and avarice, will exist in every state of society, and under every form of government. A succession of powers and persons, by frequent elections, will not lessen these passions in any case, in a governor, senator, or representative; nor will the apprehension of an approaching election restrain them from indulgence if they have the power. The only remedy is to take away the power, by controuling the selfish avidity of the governor, by the senate and house;  
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of the senate, by the governor and house ; and of the house, by the governor and senate. Of all possible forms of government, a sovereignty in one assembly, successively chosen by the people, is perhaps the best calculated to facilitate the gratification of self-love, and the pursuit of the private interest of a few individuals ; a few eminent conspicuous characters will be continued in their seats in the sovereign assembly, from one election to another, whatever changes are made in the seats around them ; by superior art, address, and opulence, by more splendid birth, reputations, and connections, they will be able to intrigue with the people and their leaders out of doors, until they worm out most of their opposers, and introduce their friends : to this end they will bestow all offices, contracts, privileges in commerce, and other emoluments, on the latter and their connections, and throw every vexation and disappointment in the way of the former, until they establish such a system of hopes and fears throughout the state as shall enable them to carry a majority in every fresh election of the house. The judges will be appointed by them and their party, and of consequence will be obsequious enough to their inclinations. The whole judicial authority, as well as the executive, will be employed, perverted, and prostituted to the purposes of electioneering. No justice will be attainable, nor will innocence or virtue be safe, in the judicial courts, but for the friends of the prevailing leaders : legal prosecutions will be instituted and carried on against opposers, to their vexation and ruin ; and as they have the public purse at command, as well as the executive and judicial power, the public money will be expended in the same way. No favours will be attainable but by those who will court the  
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ruling demagogues in the house, by voting for their friends and instruments; and pensions and pecuniary rewards and gratifications, as well as honours and offices of every kind, voted to friends and partisans. The leading minds and most influential characters among the clergy will be courted, and the views of the youth in this department will be turned upon those men, and the road to promotion and employment in the church will be obstructed against such as will not worship the general idol. Capital characters among the physicians will not be forgotten, and the means of acquiring reputation and practice in the healing art will be to get the state trumpeters on the side of youth. The bar too will be made so subservient, that a young gentleman will have no chance to obtain a character or clients, but by falling in with the views of the judges and their creators. Even the theatres, and actors and actresses, must become politicians, and convert the public pleasures into engines of popularity for the governing members of the house. The press, that great barrier and bulwark of the rights of mankind, when it is protected in its freedom by law, can now no longer be free: if the authors, writers, and printers, will not accept of the hire that will be offered them, they must submit to the ruin that will be denounced against them. The presses, with much secrecy and concealment, will be made the vehicles of calumny against the minority, and of panegyric and empirical applauses of the leaders of the majority, and no remedy can possibly be obtained. In one word, the whole system of affairs, and every conceivable motive of hope and fear, will be employed to promote the private interests of a few, and their obsequious majority: and there is no remedy but in arms. Accordingly

ingly we find in all the Italian republics the minority always were driven to arms in despair. "The attaining of particular ends requires length of time; designs must lie in fermentation to gain the opportunity to bring matters to perfection." It is true; but less time will be necessary in this case, in general, than even in a simple hereditary monarchy or aristocracy.

An aristocracy, like the Roman senate, between the abolition of royalty and the institution of the tribunate, is of itself a faction, a private partial interest. Yet it was less so than an assembly annually chosen by the people, and vested with all authority, would be; for such an assembly runs faster and easier into an oligarchy than an hereditary aristocratical assembly. The leading members having, as has been before shewn in detail, the appointment of judges, and the nomination to all lucrative and honourable offices, they have thus the power to bend the whole executive and judicial authority to their own private interest, and by these means to increase their own reputations, wealth, and influence, and those of their party, at every new election: whereas, in a simple hereditary aristocracy, it is the interest of the members in general to preserve an equality among themselves as long as they can; and as they are smaller in number, and have more knowledge, they can more easily unite for that purpose, and there is no opportunity for any one to increase his power by any annual elections. An aspiring aristocratic therefore must take more time, and use more address, to augment his influence: yet we find in experience, that even hereditary aristocracies have never been able to prevent oligarchies rising up among them, but by the most rigorous, severe,



severe, and tyrannical regulations, such as the institution of inquisitions, &c.

It may sound oddly to say that the majority is a faction; but it is, nevertheless, literally just. If the majority are partial in their own favour, if they refuse or deny a perfect equality to every member of the minority, they are a faction: and as a popular assembly, collective or representative, cannot act, or will, but by a vote, the first step they take, if they are not unanimous, occasions a division into majority and minority, that is, into two parties, and the moment the former is unjust it is a faction. The Roman decemvirs themselves were set up by the people, not by the senate: much longer time would have been required for an oligarchy to have grown up among the patricians and in the senate, if the people had not interposed and demanded a body of laws, that is, a constitution. The senate opposed the requisition as long as they could, but at last appointed the decemvirs, much against their own inclinations, and merely in compliance with the urgent clamours of the people. Nedham thinks, that "as the first founders of the Roman liberty did well in driving out their kings; so, on the other side, they did very ill in settling a standing authority within themselves." It is really very injudicious, and very ridiculous, to call those Roman nobles who expelled their kings, founders of the Roman liberty: nothing was farther from their heads or their hearts than national liberty; it was merely a struggle for power between a king and a body of haughty envious nobles; the interests of the people and of liberty had no share in it. The Romans might do well in driving out their king: he might be a bad and incorrigible character; and in such a case any people may do well

well in expelling or deposing a king. But they did not well in demolishing the single executive magistracy: they should have then demanded a body of laws, a definite constitution, and an integral share in the legislature for the people, with a precise delineation of the powers of the first magistrate and senate. In this case they would have been entitled to the praise of founders of Roman liberty: but as it was, they only substituted one system of tyranny for another, and the new one was worse than the old. They certainly "did very ill in settling a standing sovereign supreme authority within themselves." Thus far our author is perfectly in the right, and the reason he gives for this opinion is very well founded: it is the same that was given thousands of years before him, by Plato, Socrates, and others, and has been constantly given by all succeeding writers in favour of mixed governments, and against simple ones, "because, lying open to the temptations of honour and profit," or, in other words, having their ambition and vanity, avarice and lust, hatred and resentment, malice and revenge, in short, their self-love, and all their passions ("which are fails too big for any human bulk") unrestrained by any controuling power, they were at once transported by them; made use of their public power not for the good of the commonwealth, but for the gratification of their private passions, whereby they put the commonwealth into frequent flames of discontent and sedition. Thus far is very well: but when our author goes on, "which might all have been prevented, could they have settled the state free; indeed, by placing an orderly succession of supreme authority in the hands of the people," he can be followed by no one who knows what is in man, and in society—  
because

because that supreme authority falls out of the whole body into a majority at the first vote. To expect self-denial from men, when they have a majority in their favour, and consequently power to gratify themselves, is to disbelieve all history and universal experience; it is to disbelieve Revelation and the Word of God, which informs us, the heart is deceitful above all things, and desperately wicked. There have been examples of self-denial, and will be again; but such exalted virtue never yet existed in any large body of men and lasted long: and our author's argument requires it to be proved, not only that individuals, but that nations and majorities of nations, are capable not only of a single act, or a few acts of disinterested justice and exalted self-denial, but of a course of such heroic virtue for ages and generations; and not only that they are capable of this, but that it is probable they will practise it. There is no man so blind as not to see, that to talk of founding a government upon a supposition that nations and great bodies of men, left to themselves, will practise a course of self-denial, is either to babble like a new-born infant, or to deceive like an unprincipled impostor. Nedham has himself acknowledged, in several parts of this work, the depravity of men in very strong terms. In this fifth reason he avers "temptations of honour and profit to be" "fails too big for any human bulk." Why then does he build a system on a foundation which he owns to be so unstable? If his mind had been at liberty to follow his own ideas and principles, he must have seen, that a succession of supreme authority in the hands of the people, by their house of representatives, is at first an aristocracy as despotical as a Roman senate, and becomes an oligarchy even sooner than that assembly fell into the decemvirate. There is this infallible disadvantage

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tage in such a government, even in comparison with an hereditary aristocracy, that it lets in vice, profligacy, and corruption, like a torrent, with tyranny; whereas the latter often guards the morals of the people with the utmost severity:—even the despotism of aristocracy preserves the morals of the people.

It is pretended by some, that a sovereignty in a single assembly, annually elected, is the only one in which there is any responsibility for the exercise of power. In the mixed government we contend for, the ministers, at least of the executive power, are responsible for every instance of the exercise of it; and if they dispose of a single commission by corruption, they are responsible to a house of representatives, who may, by impeachment, make them responsible before a senate, where they may be accused, tried, condemned, and punished, by independent judges. But in a single sovereign assembly, each member, at the end of his year, is only responsible to his constituents; and the majority of members who have been of one party, and carried all before them, are to be responsible only to their constituents, not to the constituents of the minority who have been overborne, injured, and plundered. And who are these constituents to whom the majority are accountable? Those very persons, to gratify whom they have prostituted the honours, rewards, wealth, and justice of the state. These, instead of punishing, will applaud; instead of discarding, will re-elect, with still greater eclat, and a more numerous majority; for the losing cause will be deserted by numbers: and this will be done in hopes of having still more injustice done, still more honours and profits divided among themselves, to the exclusion and mortification of the minority. It is then astonishing that such a sim-

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ple government should be preferred to a mixed one, by any rational creature, on the score of responsibility. There is, in short, no possible way of defending the minority, in such a government, from the tyranny of the majority, but by giving the former a negative on the latter, the most absurd institution that ever took place among men. As the major may bear all possible relations of proportion to the minor part, it may be fifty-one against forty-nine in an assembly of an hundred, or it may be ninety-nine against one only: it becomes therefore necessary to give the negative to the minority, in all cases, though it be ever so small. Every member must possess it, or he can never be secure that himself and his constituents shall not be sacrificed by all the rest. This is the true ground and original of the liberum veto in Poland; but the consequence has been ruin to that noble but ill-constituted republic. One fool, or one knave, one member of the diet, which is a single sovereign assembly, bribed by an intriguing ambassador of some foreign power, has prevented measures the most essential to the defence, safety, and existence of the nation. Hence humiliations and partitions! This also is the reason on which is founded the law of the United Netherlands, that all the seven provinces must be unanimous in the assembly of the States General; and all the cities and other voting bodies in the assemblies of the separate states. Having no sufficient checks in their uncouth constitution, nor any mediating power possessed of the whole executive, they have been driven to demand unanimity instead of a balance: and this must be done in every government of a single assembly, or the majority will instantly oppress the minority. But what kind of government would that be in the United States of America, or any one of them,

that should require unanimity, or allow of the *liberum veto*? It is sufficient to ask the question, for every man will answer it alike.

Sixth  
Arg.

No controversy will be maintained with our author, "that a free state is more excellent than " simple monarchy, or simple aristocracy." But the question is, What is a free state? It is plain our author means a single assembly of representatives of the people, periodically elected, and vested with the supreme power. This is denied to be a free state. It is at first a government of *grandeess*, and will soon degenerate into a government of a *junto* or oligarchy of a few of the most eminent of them, or into an absolute monarchy of one of them. The government of these *grandeess*, while they are numerous, as well as when they become few, will be so oppressive to the people, that the people, from hatred or fear of the gentlemen, will set up one of them to rule the rest, and make him absolute. Will it be asked how this can be proved? It is proved, as has been often already said, by the constitution of human nature, by the experience of the world, and the concurrent testimony of all history. The passions and desires of the majority of the representatives in assembly being in their nature insatiable and unlimited by any thing within their own breasts, and having nothing to controul them without, will crave more and more indulgence, and, as they have the power, they will have the gratification; and Nedham's government will have no security for continuing free, but the presumption of self-denial and self-government in the members of the assembly, virtues and qualities that never existed in great bodies of men, by the acknowledgment of all the greatest judges of hu-

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man nature, as well as by his own, when he says, that "temptations of honour and profit are fails too big for any human bulk." It would be as reasonable to say, that all government is altogether unnecessary, because it is the duty of all men to deny themselves, and obey the laws of nature, and the laws of God. However clear the duty, we know it will not be performed; and therefore it is our duty to enter into associations, and compel one another to do some of it.

It is agreed that the people are the best keepers of their own liberties, and the only keepers who can be always trusted; and therefore the people's fair, full, and honest consent, to every law, by their representatives, must be made an essential part of the constitution: but it is denied that they are the best keepers, or any keepers at all, of their own liberties, when they hold collectively, or by representation, the executive and judicial power, or the whole and uncontrouled legislative; on the contrary, the experience of all ages has proved, that they instantly give away their liberties into the hand of grandees, or kings, idols of their own creation. The management of the executive and judicial powers together always corrupts them, and throws the whole power into the hands of the most profligate and abandoned among themselves. The honest men are generally nearly equally divided in sentiment, and therefore the vicious and unprincipled, by joining one party, carry the majority; and the vicious and unprincipled always follow the most profligate leader, him who bribes the highest, and sets all decency and shame at defiance: it becomes more profitable, and reputable too, except with a very few, to be a party man than a public spirited one.

It is agreed that "the end of all government

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“ is the good and ease of the people, in a secure enjoyment of their rights, without oppression;” but it must be remembered, that the rich are *people* as well as the poor; that they have rights as well as others; that they have as clear and as *secured* a right to their large property, as others have to theirs which is smaller; that oppression to them is as possible, and as wicked, as to others; that stealing, robbing, cheating, are the same crimes and sins, whether committed against them or others. The rich, therefore, ought to have an effectual barrier in the constitution against being robbed, plundered, and murdered, as well as the poor; and this can never be without an independent senate. The poor should have a bulwark against the same dangers and oppressions; and this can never be without a house of representatives of the people. But neither the rich nor the poor can be defended by their respective guardians in the constitution, without an executive power, vested with a negative, equal to either, to hold the balance even between them, and decide when they cannot agree. If it is asked, When will this negative be used? it may be answered, Perhaps never: the known existence of it will prevent all occasion to exercise it; but if it has not a being, the want of it will be felt every day. If it has not been used in England for a long time past, it by no means follows that there have not been occasions when it might have been employed with propriety. But one thing is very certain, that there have been many occasions when the constitution would have been overturned since the Revolution, if the negative had not been an indubitable prerogative of the crown.

It is agreed that the people are “ most sensible  
“ of their own burthens; and being put into a  
“ capacity



“ capacity and freedom of acting, are the most likely to provide remedies for their own relief.” For this reason they are an essential branch of the legislature, and have a negative on all laws, an absolute controul over every grant of money, and an unlimited right to accuse their enemies before an impartial tribunal. Thus far they are most sensible of their burthens, and are most likely to provide remedies. But it is affirmed, that they are not only incapable of managing the executive power, but would be instantly corrupted by it in such numbers, as would destroy the integrity of all elections. It is denied that the legislative power can be wholly entrusted in their hands with a moment’s safety: the poor and the vicious would instantly rob the rich and virtuous, spread their plunder in debauchery, or confer it upon some idol, who would become the despot; or, to speak more intelligibly, if not more accurately, some of the rich, by debauching the vicious to their corrupt interest, would plunder the virtuous, and become more rich, until they acquired all the property, or a balance of property and of power, in their own hands, and domineered as despots in an oligarchy.

It is agreed that the “ people know where the shoe wrings, what grievances are most heavy,” and therefore they should always hold an independent and essential part in the legislature, and be always able to prevent the shoe from wringing more, and the grievances from being made more heavy; they should have a full hearing of all their arguments, and a full share of all consultations, for easing the foot where it is in pain, and for lessening the weight of grievances, or annihilating them: but it is denied that they have right, or that they should have power, to take from one man

his property to make another easy, and that they *only* know "what fences they stand in need of to shelter them from the injurious assaults of those powers that are above them;" meaning, by the powers above them, senators and magistrates, though, properly speaking, there are no powers above them but the law, which is above all men, governors and senators, kings and nobles, as well as commons.

The Americans have agreed with this writer in the sentiment, "that it is but reason that the people should see that none be interested in the supreme authority but persons of their own election, and such as must, in a short time, re-turn again into the same condition with themselves." This hazardous experiment they have tried, and, if elections are soberly made, it may answer very well; but if parties, factions, drunkenness, bribes, armies, and delirium, come in, as they always have done sooner or later, to embroil and decide every thing, the people must again have recourse to conventions, and find a remedy. Neither philosophy nor policy has yet discovered any other cure, than by prolonging the duration of the first magistrate and senators. The evil may be lessened and postponed, by elections for longer periods of years, till they become for life; and if this is not found an adequate remedy, there will remain no other but to make them hereditary. The delicacy or the dread of unpopularity, that should induce any man to conceal this important truth from the full view and contemplation of the people, would be a weakness, if not a vice. As to "reaping the same benefit or burthen by the laws enacted that befalls the rest of the people," this will be secured, whether the first magistrate and senate be elective or hereditary,

hereditary, as long as the people are an integral branch of the legislature; can be bound by no laws to which they have not consented; and can be subjected to no tax which they have not agreed to lay. It is agreed that the "issue of such a constitution," whether the governor and senate be hereditary or elective, must be this, "that no load be laid upon any, but what is common to all, and that always by common consent; not to serve the lusts of any, but only to supply the necessities of their country."

The next paragraph is a figurative flourish, calculated to amuse a populace, without informing their understandings. Poetry and mystics will answer no good end in discussing questions of this nature. The simplest style, the most mathematical precision of words and ideas, is best adapted to discover truth, and to convey it to others, in reasoning on this subject. There is here a confusion that is more than accidental—it is artful:—the author purposely states the question, and makes the comparison only between simple forms of government, and carefully keeps out of sight the idea of a judicious mixture of them all. He seems to suppose, that the supreme power must be wholly in the hands of a simple monarch, or of a single senate, or of the people, and studiously avoids considering the sovereignty lodged in a composition of all three. "When a supreme power long continues in the hands of any person or persons, they, by greatness of place, being seated above the middle region of the people, sit secure from all winds and weathers, and from those storms of violence that nip and terrify the inferior part of the world." If this is popular poetry, it is not philosophical reasoning. It may be made a question, whether it is true in fact,

fact, that persons in the higher ranks of life are more exempted from dangers and evils that threaten the commonwealth than those in the middle or lower rank? But if it were true, the United States of America have established their governments upon a principle to guard against it; and, "by a successive revolution of authority, they come to be degraded of their earthly godheads, and return into the same condition with other mortals;" and, therefore, "they must needs be more sensible and tender of what is laid upon them."

Our author is not explicit. If he meant that a fundamental law should be made, that no man should be chosen more than one year, he has nowhere said so. He knew the nation would not have borne it. Cromwell and his creatures would all have detested it; nor would the members of the Long Parliament, or their constituents, have approved it. The idea would have been universally unpopular. No people in the world will bear to be deprived, at the end of one year, of the service of their best men, and be obliged to confer their suffrages, from year to year, on the next best, until the rotation brings them to the worst. The men of greatest interest and influence, moreover, will govern; and if they cannot be chosen themselves, they will generally influence the choice of others so decidedly, that they may be said to have the appointment. If it is true that "the strongest obligation that can be laid upon a man in public matters, is to see that he engage in nothing but what must either offensively or beneficially reflect upon himself," it is equally true at least in a mixed government as in a simple democracy: it is, indeed, more clearly and universally true, because in the first

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the representatives of the people being the special guardians of equality, equity, and liberty, for the people, will not consent to unequal laws; but in the second, where the great and rich will have the greatest influence in the public councils, they will continually make unequal laws in their own favour, unless the poorer majority unite, which they rarely do, set up an opposition to them, and run them down by making unequal laws against them. In every society where property exists, there will ever be a struggle between rich and poor. Mixed in one assembly, equal laws can never be expected: they will either be made by numbers, to plunder the few who are rich, or by influence, to fleece the many who are poor. Both rich and poor, then, must be made independent, that equal justice may be done, and equal liberty enjoyed by all. To expect that in a single sovereign assembly no load shall be laid upon any but what is common to all, nor to gratify the passions of any, but only to supply the necessities of their country, is altogether chimerical. Such an assembly, under an awkward unwieldy form, becomes at once a simple monarchy in effect: some one overgrown genius, fortune, or reputation, becomes a despot, who rules the state at his pleasure, while the deluded nation, or rather a deluded majority, thinks itself free; and in every resolve, law, and act of government, you see the interest, fame, and power, of that single individual attended to more than the general good.

It is agreed, that "if any be never so good a patriot," (whether his power be prolonged or not) "he will find it hard to keep self from creeping in upon him, and prompting him to some extravagances for his own private benefit." But it is asserted, that power will be prolonged

longed in the hands of the same patriot, the same rich, able, powerful, and well-descended citizen, &c. as much as if he had a seat for life, or an hereditary seat in a senate, and, what is more destructive, his power and influence is constantly increasing, so that self is more certainly and rapidly growing upon him; whereas, in the other case, it is defined, limited, and never materially varies. If, in the first case, "he" "be shortly to return to a condition common" "with the rest of his brethren," it is only for a moment, or a day, or a week, in order to be re-elected with fresh eclat, redoubled popularity, increased reputation, influence, and power. Self-interest, therefore, binds him to propagate a false report and opinion, that he "does nothing but" "what is just and equal," while in fact he is every day doing what is unjust and unequal; while he is applying all the offices of the state, great and small, the revenues of the public, and even the judicial power, to the augmentation of his own wealth and honours, and those of his friends, and to the punishment, depression, and destruction of his enemies, with the acclamations and hosannas of the majority of the people.

"This, without controversy, must needs be the" "most noble, the most just, and the most excellent way of government in free states," provided our author meant only a mixed state, in which the people have an essential share, and the command of the public purse, with the judgment of causes and accusations as jurors, while their power is tempered and controuled by the aristocratical part of the community in another house, and the executive in a distinct branch. But as it is plain his meaning was to jumble all these powers in one centre, a single assembly of representatives, it must be

be pronounced the most ignoble, unjust, and detestable form of government; worse than even a well-digested simple monarchy or aristocracy. The greatest excellency of it is, that it cannot last, but hastens rapidly to a revolution.

For a further illustration of this subject, let a supposition be made, that in the year 1656, when this book was printed, the system of it had been reduced to practice: A fair, full, and just representation of the people of England appears in the house of commons in Westminster-hall; my lord general Cromwell is returned for Westminster or London; Ireton, Lambert, &c. for other principal cities or counties; Monk, Sir Harry Vane, &c. for others; and even Hugh Peters for some borough;—all eyes profoundly bow to my lord general as the first member of the house; the other principal characters are but his primary planets, and the multitude but secondary; altogether making a great majority in the interest of his highness: if the majority is clear, and able to excite a strong current of popular rumours, ardor, and enthusiasm, in their favour, their power will increase with every annual election, until Cromwell governs the nation more absolutely than any simple monarch in Europe. If there are in the house any members so daring as to differ in opinion, they will lose their seats, and more submissive characters be returned in their places; but if the great men in the house should fall into pretty equal divisions, then would begin a warfare of envy, rancour, hatred, and abuse of each other, until they divided the nation into two parties, and both must take the field.—Suppose, for a further illustration, the monarchical and aristocratical branches in England suspended, and all authority lodged in the present house of commons;—sup-  
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pose that, in addition to all the great national question of legislation, were added the promotion of all offices in the church, the law, the army, navy, excise, customs, and all questions of foreign alliance; let all the foreign ambassadors, as well as candidates for offices, solicit there:—the contemplation must be amusing! but there is not a member of the house could seriously wish it, after thinking a moment on the consequence. The objects are smaller, and the present temptations less, in our American houses; but the impropriety would be equally obvious, though perhaps not so instantaneously destructive.

Our author proceeds to prove his doctrine by examples out of Roman history. “What more  
“ noble patriots were there ever in the world than  
“ the Roman senators were, while they were  
“ kept under by their kings, and felt the same  
“ burthens of their fury, as did the rest of the  
“ people?”

If by the patriots are meant men who were brave and active in war to defend the commonwealth against its enemies, the Roman senators and patricians were, under the kings, as good patriots as the plebeians were, and no better. Whether they were ever kept under by their kings, or whether their kings were kept under by them, I submit to Livy and Dionysius. The whole line of their kings, Romulus, Numa, Tullus, Ancus, Lucius Tarquinius, Servius Tullius, were meritorious princes; yet the patricians and senators maintained a continual series of cabals against them, constantly conspiring to set up one, and pull down another. Romulus was put to death by the patricians; Tullus Hostilius was murdered by the patricians; Lucius Tarquinius was assassinated by the patricians; and Servius  
Tullius



Tullius too was murdered by the patricians, to make way for Tarquin. Some of these excellent princes were destroyed for being too friendly to the people, and others for not being servile enough to the senate. If it is patriotism to persecute to death every prince who had an equitable desire of doing justice, and easing the burthens of the plebeians; to intrigue in continual factions to set up one king and butcher another; to consider friendship, and humanity, and equity, to the plebeians as treason against the state, and the highest crime that could be committed either by a king or patrician; then the Roman senators under the kings were noble patriots. But the utmost degrees of jealousy, envy, arrogance, ambition, rancour, rage, and cruelty, that ever constituted the aristocratical or oligarchical character in Sparta, Venice, Poland, or wherever unbalanced aristocratics have existed and been most enormous, existed in the Roman patricians under their kings.

What can our author mean by the senate and people's "feeling the burthens of the fury of their kings?" Surely he had read the Roman history! Did he mean to represent it? The whole line of Roman kings, until we come to Tarquin the Proud, were mild, moderate princes, and their greatest fault, in the eyes of the senators, was an endeavour now and then to protect the people against the tyranny of the senate. Their greatest fault, in the judgment of truth, was too much complaisance to the senate, by making the constitution more aristocratical: witness the assemblies by centuries instituted by Servius Tullius.

But Nedham should have considered what would have been the fruits in Rome, from the time of Romulus, of annual elections of senators to  
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be vested with supreme power, with all the authority of the king, senate, and people. All those persons whose names we now read as kings, and all those who are mentioned as senators, would have caballed; with the people as well as one another. Their passions would not have been extinguished; the same jealousy and envy, ambition and avarice, revenge and cruelty, would have been displayed in assemblies of the people: sometimes one junto would have been popular, sometimes another; one set of principles would have prevailed one year, and another the next; now one law, then another; at this time one rule of property, at that another; riots, tumults, and battles, would have been fought continually; the law would have been a perfect Proteus. But as this confusion could not last long, either a simple monarchy, or an aristocracy, must have arisen; these might not have lasted long, and all the revolutions described by Plato and Aristotle as growing out of one another, and that we see in the Greek, Roman, and Italian republics, did grow out of one another, must have taken place, until the people, weary of changes, would have settled under a single tyranny and standing army, unless they had been wise enough to establish a well-ordered government of three branches. It is easy to misrepresent and confound things in order to make them answer a purpose, but it was not because the authority was *permanent*, or *standing*, or *hereditary*, that the behaviour of the senate was worse after the expulsion of the kings than it had been under them; for the dignity of patricians, and the authority of senators, was equally *standing*, *permanent*, and *hereditary*, under the kings, from the institution of Romulus to the expulsion of Tarquin, as it was afterwards, from the expulsion  
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of Tarquin to the institution of tribunes, and indeed to the subversion of the commonwealth. It was not its *permanency*, but its *omnipotence*, its being *unlimited, unbalanced, uncontrouled*, that occasioned the abuse; and this is precisely what we contend for, that power is always abused when unlimited and unbalanced, whether it be permanent or temporary, a distinction that makes little difference in effect. The temporary has often been the worst of the two, because it has often been sooner abused, and more grossly, in order to obtain its revival at the stated period. It is agreed that patricians, nobles, senators, the aristocratical part of the community, call it by what name you please, are noble patriots when they are kept under; they are really then the best men and the best citizens: but there is no possibility of keeping them under but by giving them a master in a monarchy, and two masters in a free government. One of the masters I mean is the executive power in the first magistrate, and the other is the people in their house of representatives. Under these two masters they are, in general, the best men, citizens; magistrates, generals, or other officers; they are the guardians, ornaments, and glory of the community.

Nedham talks of "senate and people's feeling" the burthens of the fury of the kings:" but as we cannot accuse this writer of ignorance, this must have been either artifice or inadvertence. There is not in the whole Roman history so happy a period as this under their kings. The whole line were excellent characters, and fathers of their people, notwithstanding the continual cabals of the nobles against them. The nation was formed; their morality, their religion, the maxims of their government, were all established under these kings:

the nation was defended against innumerable and warlike nations of enemies; in short, Rome was never so well governed or so happy. As soon as the monarchy was abolished, and an ambitious republic of haughty aspiring aristocratics was erected, they were seized with the ambition of conquest, and became a torment to themselves and the world. Our author confesses, that "being  
 " freed from the kingly yoke, and having secured  
 " all power within the hands of themselves and  
 " their posterity, they fell into the same absurdities  
 " that had been before committed by their kings,  
 " so that this new yoke became more intolerable  
 " than the former." It would be more conformable to the truth of history to say, that they continued to behave exactly as they had done; but having no kings to murder, they had only people to destroy. The sovereign power was in them under the kings, and their greatest animosity against their kings, next to the ambitious desire of getting into their places, was their too frequent patronage of the people. The only change made by the revolution was to take off a little awe which the name of king inspired. The office, with all its dignities, authorities, and powers, was in fact continued under the title of consul; it was made annually elective it is true, and became accordingly a mere tool of the senate, wholly destitute of any power or will to protect plebeians, a disposition which the hereditary kings always discovered more or less, and thereby became odious to the senate; for there is no sin or crime so heinous, in the judgment of patricians, as for any one of their own rank to court plebeians, or become their patron, protector, or friend.

It is very true that "the new yoke was more  
 " intolerable than the old, nor could the peo-

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“ple find any remedy until they procured that  
“necessary office of the tribunes.” This was  
some remedy, but a very feeble and ineffectual  
one: nor, if the people had instituted an annual as-  
sembly of 500 representatives, would that have been  
an effectual remedy, without a plenary executive  
power in the consul; the senate and assembly would  
have been soon at war, and the leader of the vic-  
torious army master of the state. If “the tri-  
“bunes, by being vested with a temporary au-  
“thority by the people’s election, remained the  
“more sensible of their condition,” the American  
governors and senators, vested as they are with a  
temporary authority by the people’s election, will  
remain sensible of their condition too. If they do  
not become too sensible of it, and discover that  
flattery, and bribery, and partiality, are better cal-  
culated to procure renovations of their authority,  
than honesty, liberty, and equality, happy indeed  
shall we all be!

“What more excellent patriot could there be  
“than Manlius, till he became corrupted by time  
“and power?” Is it a clear case that Manlius was  
corrupted? To me he appears the best patriot in  
Roman history: the most humane, the most  
equitable; the greatest friend of liberty, and the  
most desirous of a constitution truly free; the real  
friend of the people, and the enemy of tyranny in  
every shape, as well as the greatest hero and war-  
riour of his age—a much greater character than  
Camillus. Our author’s expression implies, that  
“there was no greater patriot,” until he saw the  
necessity of new-modelling the constitution, and  
was concerting measures upon the true principle of  
liberty, the authority of the people, to place checks  
upon the senate. But Manlius is an unfortunate  
instance for our author. It was not time and

power that inspired him with his designs; the jealousy and envy of the senate had removed him from power: he was neither consul, dictator, nor general. Aristocratical envy had set up Camillus, and continued him in power, both as consul and dictator, on purpose to rival and mortify Manlius. It was discontinuance of power then that corrupted him, if he was corrupted; and this generally happens, disappointed candidates for popular elections are as often corrupted by their fall from power, as hereditary aristocracies by their continuance in it.

“ Who more noble, courteous, and well affected to the common good than Appius Claudius at first? But afterwards, having obtained a continuation of the government in his own hands, he soon lost his primitive innocence and integrity, and devoted himself to all the practices of an absolute tyrant.” This is very true, but it was not barely continuation of power, it was absolute power, that did the mischief. If the power had been properly limited in degree, it might have been continued, without limitation of time, without corrupting him: though it might be better to limit it, both in degree and in time; and it must never be forgotten that it was the people, not the senate, that continued him in power.

The senate acted an arbitrary and reprehensible part, when they thought to continue Lucius Quintius in the consulship longer than the time limited by law: by violating the law they became tyrants, and their act was void. That gallant man acted only the part of a good citizen in refusing to set a precedent so prejudicial to the Roman constitution; his magnanimity merits praise: but perhaps he was the only senator who would have refused,

refused, and we cannot safely reckon upon such self-denial in forming any constitution of government. But it may be depended on, that when the whole power is in one assembly, whether of patricians or plebeians, or any mixture of both, a favourite will be continued in power whenever the majority wishes it, and every conceivable fundamental law, or even oath, against it will be dispensed with.

A seventh reason, why a people qualified with a due and orderly succession of their supreme assemblies are the best keepers of their own liberties, is, "because, as in other forms, those persons only have access to government who are apt to serve the lust and will of the prince, or else are parties or compliers with some popular faction; so in this form of government by the people, the door of dignity stands open to all, without exception, that ascend thither by the steps of worth and virtue: the consideration whereof hath this noble effect in free states, that it edges men's spirits with an active emulation, and raiseth them to a lofty pitch of design and action." Seventh Arg.

This is a mass of popular assertions, either hazarded at random, or, if aimed at a point, very little guarded by the love of truth. It is no more true, that in other forms those persons *only* have access to government who are apt to serve the lust and will of a prince or a faction, than it is that, in our author's form, those only would obtain elections who will serve the lusts and wills of the most idle, vicious, and abandoned of the people, at the expence of the labour, wealth, and reputation of the most industrious, virtuous, and pious. The door of dignity, in such a govern-

ment, is so far from standing open to all of worth and virtue, that, if the executive and judicial powers are managed in it, virtue and worth will soon be excluded. In an absolute monarchy the road to preferment may lie open to all. In an aristocracy, the way of promotion may be open to all, and all offices in the executive department, as in the army, navy, courts of justice, foreign embassies, revenues, &c. may be filled from any class of the people. In a mixed government, consisting of three branches, all offices ever will be open, for when the popular branch is destined expressly to defend the rights of the people, it is not probable they will ever consent to a law that shall exclude any class of their constituents. In this kind of government, indeed, the chance for merit to prevail is greater than in any other. The executive having the appointment to all offices, and the ministers of that executive being responsible for every exercise of their power, they are more cautious; they are responsible to their master for the recommendations they give, and to the nation and its representatives for the appointments that are made: whereas a single representative assembly is accountable to nobody. If it is admitted that each member is accountable to his constituents for the vote he gives, what is the penalty? No other than not to vote for him at the next election. And what punishment is that? His constituents know nor care any thing about any offices or officers but such as lie within the limits of their parish; and let him vote right or wrong about all others, he has equally their thanks and future votes. What can the people of the cities, countries, boroughs, and corporations in England know of the characters of all the generals,



als, admirals, ambassadors, judges, and bishops, whom they never saw, nor perhaps heard of?

But was there never a Sully, Colbert, Malesherbes, Turgot, or Neckar, called to power in France? nor a Burleigh, nor a Pitt, in England? Was there never a Camillus appointed by a senate, nor a De Ruyter, Van Tromp, or De Witt, by an aristocratical body? When a writer is not careful to confine himself to truth, but allows himself a latitude of affirmation and denial, merely addressed to an ignorant populace, there is no end of ingenuity in invention. In this case his object was to run down an exiled king, and a depressed nobility; and it must be confessed he is not very delicate in his means. There are, in truth, examples innumerable of excellent generals, admirals, judges, ambassadors, bishops, and of all other officers and magistrates appointed by monarchs, absolute as well as limited, and by hereditary senates; excellent appointments have been also made by popular assemblies: but candour must allow, that very weak, injudicious, and unfortunate choices have been sometimes made by such assemblies too. But the best appointments for a course of time have invariably been made in mixed governments. The "active emulation" in free states is readily allowed; but it is not less active, less general, or less lofty, in design or action, in mixed governments than in simple ones, even simple democracies, or those which approach nearest to that description: and the instances alledged from the Roman history are full proofs of this.

" During the vassalage of the Romans under  
" kings, we read not of any notable exploits, but  
" find them confined within a narrow compass;  
" oppressed at home, and ever and anon ready to  
" be

“ be swallowed up by their enemies.” It is really impossible to guess where this author learnt his history. The reigns of the kings are a complete confutation of his assertions. The vassalage was to the nobles, *sic* to any body, under the kings. The kings were friends and fathers of the people in general. If the people were oppressed at home, it was by the patricians; but they appear to have been much less oppressed than they were under the aristocracy which succeeded the abolition of monarchy, as our author himself confesses. “ But  
 “ when the people were made free, indeed, and  
 “ the people admitted into a share and interest in  
 “ the government, as well as the great ones, then  
 “ it was that their power began to exceed the  
 “ bounds of Italy, and aspire towards that prodigious empire.” Was Rome ever a free state, according to our author’s idea of a free state? Were the people ever governed by a succession of sovereign power in their assemblies? Was not the senate the real sovereign, through all the changes, from Romulus to Julius Cæsar? When the tribunes were instituted, the people obtained a check upon the senate, but not a balance. The utmost that can with truth be said is, that it was a mixed government composed of three powers; the monarchical in the kings or consuls, the aristocratical in the senate, and the democratical in the people and their tribunes, with the principal share and real sovereignty in the senate. The mixture was unequal, and the balance inadequate; but it was this mixture, with all its imperfections, that  
 “ edged men’s spirits with an active emulation,  
 “ and raised them to a lofty pitch of design and  
 “ action.” It was in consequence of this composition, that “ their thoughts and power began to ex-  
 “ ceed

“ceed the bounds of Italy, and aspire towards  
“that prodigious empire.” In such a mixture,  
where the people have a share, and “the road to  
“preferment lies plain to every man, no public  
“work is done, nor any conquest made, but every  
“man thinks he does and conquers for himself”  
in some degree. But this sentiment is as vivid  
and active, surely, where the people have an equal  
share with the senate, as where they have only an  
imperfect check by their tribunes. When our  
author advances, “that it was not alliance, nor  
“friendship, nor faction, nor riches, that could  
“advance men,” he affirms more than can be  
proved from any period of the Roman or any  
other history. If he had contented himself with  
saying, that these were not exclusive or principal  
causes of advancement, it would have been as  
great a panegyric as any nation at any period has  
deserved. Knowledge, valour, and virtue, were  
*often* preferred above them all; and, if we add, *ge-  
nerally*, it is as much as the truth will bear. Our  
author talks of a preference of virtuous poverty;  
but there was no moment in the Roman, or any  
other history, when poverty, however virtuous,  
was preferred for its own sake. There have been  
times and countries when poverty was not an in-  
superable objection to the employment of a man  
in the highest stations; but an absolute love of  
poverty, and a preference of a man for that attri-  
bute alone, never existed out of the imaginations  
of enthusiastic writers.

In the Roman story, some few of their brave  
patriots and conquerors were men of small for-  
tune, and of so rare a temper of spirit, that they  
little cared to improve them, or enrich themselves  
by their public employment. Some, indeed, were  
buried at the public charge. And perhaps this  
race

race is not quite extinct; but the examples are so rare, that he who shall build his frame of government upon a presumption that characters of this stamp will arise in succession, in sufficient numbers to preserve the honour and liberty, and promote the prosperity of his people, will find himself mistaken. "The time will come," said a Roman senator, "when Horatii and Valerii will not be found to forego their private fortunes for the sake of plebeian liberty." His prediction was fulfilled; and a similar prophecy will be accomplished in every nation under heaven. The instances too of this kind, in the Roman history, are all of patricians and senators: we do not find one example of a popular tribune who was so in love with poverty. Cincinnatus was a patrician, a senator of a splendid family and no mean fortune, until his son Cæso was prosecuted, and obliged to fly from his bail. The father had too noble and sublime a spirit to let the bail be ruined, and sold his fortune to pay the forfeiture: when this was done, he had only four or six acres left. But who was it that made him dictator? Not the people, nor the tribunes, but the senate, that very standing power against which our author's whole book is written: by no means by a successive sovereignty of the people's representatives, which our author all along contends for. Had the appointment of a dictator at that time lain with the people, most probably a richer man would have had the preference. He behaved with so much magnanimity, integrity, and wisdom, that he subdued the enemy, and quitted his authority with all willingness, and returned to painful private life. This example is a good argument for a mixed government, and for a senate as an essential part of it; but no argument for a successive sovereignty

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in the people's representatives. Gracchus, Marius, Sylla, and Cæsar, whose elevation to power was by the people, in opposition to the senate, did not exhibit such moderation and contentment. —Our author's other examples of Lucius Tarquin, and Attilius Regulus, by no means prove such disinterested and magnanimous virtue to be ordinary in that state, nor Lucius Paulus Æmilius. Lucius Tarquin, or Lucius Tarquinius Collatinus, was not only a patrician and a senator, but of the royal family, and therefore by no means an example to show what the conduct of a general, or other officer or magistrate, will be, who shall be appointed by a majority of the people's successive annual representatives. He was the husband of Lucretia, whose blood had expelled the king. It was in an assembly of the centuries, where the senate were all powerful, that he was appointed consul with Brutus. Valerius was the favourite of the plebeians. Collatia had been given by the king to Ancus Tarquin, because he had no estate; and from thence the family were called Collatinæ. At the siege of Ardea the frolic commenced between Collatinus and the other young Tarquins, over wine, which ended in the visit to their wives, which proved at first so honourable to the domestic virtues of Lucretia, and afterwards so fatal to her life; it occasioned also the expulsion of kings, and institution of consuls. Brutus and Collatinus were created consuls, but by whom? By the people, it is true, but it was in their assembly by centuries; so that it was the senate and patricians who decided the vote. If the people in their tribes, or by their successive representatives, had made the election, Collatinus would not have been chosen, but Valerius, who expected it, and had most contributed, next to Brutus, to  
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the revolution. And, by the way, we may observe here, that an aversion to public honours and offices by no means appears in the behaviour of the virtuous and popular Valerius. His desire of the office of consul was so ardent, that his disappointment and chagrin induced him, in a sullen ill-humour, to withdraw from the senate and the forum, and renounce public affairs; which so alarmed the people, that they dreaded his reconciliation and coalition with the exiled family. He soon removed this jealousy, by taking the oath by which Brutus wanted to bind the senate against kings and kingly government. All the art of the patricians, with Brutus at their head, was now exerted, to intoxicate the people with superstition. Sacrifices and ceremonies were introduced, and the consuls approaching the altar, swore, for themselves, their children, and all posterity, never to recal Tarquin or his sons, or any of his family; that the Romans should never more be governed by kings; that those who should attempt to restore monarchy should be devoted to the infernal gods, and condemned to the most cruel torments: and an abhorrence of royalty became the predominant character of the Romans, to such a degree, that they could never bear the *name* of king, even when, under the emperors, they admitted much more than the *thing* in an unlimited despotism. But is the cause of liberty, are the rights of mankind, to stand for ever on no better a foundation than a blind superstition, and a popular prejudice against a word, a mere name? It was really no more in this case: for even Brutus himself intended that the consuls should have all the power of the kings; and it was only against a family and a name that he declared war. If nations and peoples cannot be brought to a more rational way of thinking, and to judge

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of things, instead of being intoxicated with prejudice and superstition against words, it cannot be expected that truth, virtue, or liberty, will have much chance in the establishment of governments. The monarchical and aristocratical portions of society will for ever understand better how to operate upon the superstition, the prejudices, passions, fancies, and senses of the people, than the democratical, and therefore will for ever worm out liberty, if she has no other resource.

Tarquin, by his ambassadors, solicited at least the restoration of his property. Brutus opposed it. Collatinus, the other consul, advocated the demand of his royal banished cousin. The senate was divided: the question was referred to the people assembled by centuries. The two consuls zealously supported their different opinions. Collatinus prevailed by one vote. Tarquin's ambassadors rejoice and intrigue. A conspiracy was formed, in which a great part of the young nobility was concerned: two of the Vitellii, sons of Collatinus's sister, and brothers of Brutus's wife; two of the Aquillii, sons of another sister of Collatinus, as well as two of Brutus's sons, were engaged in it. When the conspiracy was discovered, Brutus alone was inexorable. Collatinus endeavoured to save his nephews.—Collatinus, as the husband of Lucretia, appears to have been actuated by resentment against the person of Tarquin, but not to have been very hearty in the expulsion of the family, or the abolition of monarchy. His warmly contending for the restitution of Tarquin's effects, and his aversion to the condemnation of the conspirators, completed his ruin with Brutus. He assembled the people, and was very sorry, that the Roman people did not think their liberties safe while they saw the name and blood of Tarquin not only safe in Rome, but vested with sovereign

vereign power, and a dangerous obstacle to liberty. Collatinus was amazed at such a speech, and prepared to defend himself from this attack; but finding his father-in-law Spurius Lucretius join Brutus, and other principal men, in persuading him, and fearing that he should be forced into banishment, with the confiscation of his estate, he abdicated the consulship, and retired to Lavinium: but he carried all his effects with him, and twenty talents, or £. 3,875 sterling, to which Brutus added five talents more, a most enormous sum, if we consider the universal poverty of that age, and the high value of money.—Is it possible to find, in this character and conduct of Collatinus, such disinterested and magnanimous virtue as our author speaks of? Is this an example to prove that disinterested virtue was frequent in that state? He must have been dead to every manly feeling, if he had not resented the rape and death of his wife. He did not retire but to avoid banishment; nor was he contented without his whole estate, and a splendid addition to it: so that there is scarcely a character or anecdote in history less to our author's purpose in any point of view.

There is an extravagance in many popular writers in favour of republican governments, which injures much oftener than it serves the cause of liberty. Such is that of our author, when he cites the example of Regulus. Let us first remember, however, that Regulus was a patrician and a senator, and that he was appointed to his command, and continued in it, by the senate; and therefore, instead of being an example in honour of a simple or a representative democracy, it operates in favour of an aristocracy, or at most in favour of a mixed government, in which an aristocracy has one full third part. Regulus had been in a course  
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of victory, which the senate would not interrupt, and therefore continued him in the command of the army. He wrote to the senate to complain of it. The glory of it to himself, the advantage to the public, was not reward enough for him. He demanded a successor; and what was his reason? A thief had stolen his tools of husbandry used in manuring; his tenant was dead, and his presence was absolutely necessary to prevent his wife and children from starving. Is it possible to read this without laughter and indignation; laughter at the folly of that government which made so poor a provision for its generals, and indignation at the sordid avarice of that senate and people, who could require a threat of resignation from the conqueror of Carthage to induce them to provide for his wife and children. The senate decreed that his field should be cultivated at the public expence, that his working tools should be replaced, and his wife and children provided for. Then, indeed, Regulus's aversion to the service was removed: to such sordid condescensions to the prejudices and the meanness of the stingy and envious parts of the community are such exalted souls as that of Regulus obliged sometimes to submit; but the eternal panegyrics of republican writers, as they call themselves, will never reconcile mankind to any thing so ridiculous and contemptible. The labourer is worthy of his hire: he who labours for the public should live by the public, as much as he who preaches the gospel should live by the gospel; and these maxims of equity are approved by all the generous part of mankind. And the people whose heads are turned with contracted notions of a contrary nature, will for ever be the dupes of the designing; for  
where

where you will find a single Regulus, you will find ten thousand Cæsars.

The example of Paulus Æmilius is equally hostile to our author's system, and equally friendly to that which we contend for. The first consul of that name, the conqueror of Illyricum, in 533; although he returned to Rome in triumph, yet, at the expiration of his office, he was cited before the people, in their tribes, and accused of having converted part of the spoils to his own use. Æmilius had great difficulty to escape the condemnation which his colleague suffered. This great patrician and consul commanded, and was killed at the battle of Cannæ. His son, of the same name, whose sister Æmilia was married to the great Scipio, distinguished himself by avoiding those intrigues, solicitations, caresses, and other artifices, practised by most candidates, even at this time, 562. His pains were employed to make himself esteemed by valour, justice, and ardor in his duty, in which he surpassed all the young men of his age. He carried the ædileship against ten competitors, every one of whom was so distinguished by birth and merit as afterwards to obtain the consulship. By his wife Papiria he had two sons, whom he procured to be adopted into the most illustrious houses in Rome; the eldest by Fabius Maximus, five times consul and dictator; the younger by a son of Scipio Africanus. His two daughters he married, one to a son of Cato the Censor, and the other to Tubero. In 563 he gained a complete victory over the Lusitanians, in which he killed them eighteen thousand men, and took their camp, with thirteen hundred prisoners. In the offices of ædile, and of augur, he excelled all his contemporaries in the knowledge and practice of his duty; and military discipline

discipline he carried to greater perfection than had ever been known: nevertheless, when he stood for any office, even in these virtuous times, there was always an opposition; and he could not obtain the consulship till after he had suffered several repulses. Why? Because his virtue was too severe; not for the senate, but the people; and because he would not flatter and bribe the people. Before the end of the year of his first consulate he fought the Ligurians, and gained a complete victory over them, killing more than fifteen thousand men, and making near three thousand prisoners, and returned to Rome in triumph: yet with all this merit, when he stood candidate, some years after, for the consulate, the people rejected him; upon this he retired to educate his children. He was frugal in every thing of private luxury, but magnificent in expences of public duty. Grammarians, rhetoricians, philosophers, sculptors, painters, equerries, hunters, were procured for the instruction of his children. While he was thus employed in private life, in 583, fourteen years after his first consulship, the affairs of the republic were ignorantly conducted, and the Macedonians, with Perseus at their head, gained great advantages against them. People were not satisfied with the conduct of the consuls of late years, and began to say, that the Roman name was not supported. The cry was, that the command of armies must no longer be given to faction and favour. The singular merit of Æmilius, his splendid services, the confidence which the troops had in his capacity, and the urgent necessity of the times for his wisdom and firmness, turned all eyes upon him. All his relations, and the senators in general, urged him to stand candidate. He had already experienced so much ingratitude, injustice,

and caprice, that he shunned the present ardor, and chose to continue in private life. That very people who had so often ill used him, and rejected him, now crowded before his door, and insisted on his going to the forum; and his presence there was universally considered as a sure presage of victory, and he was unanimously elected consul, and appointed commander in Macedonia. He conquered Perseus and his Macedonian phalanx, and in the battle he formed Fabius's and Scipios to be the glory and triumph of his country after him. He plundered the immense wealth of Macedonia and Epirus: he plundered seventy cities, and demolished their walls. The spoils were sold, and each soldier had two hundred denarii, and each of the horse four. The soldiers and common people, it seems, had little of that disinterestedness for which Æmilius was remarkable. They were so offended at their general for giving so little of the booty to them, and reserving so much to the public treasury, that they raised a great cry and opposition against his triumph; and Galba, the soldiers, and their friends among the plebeians, were determined to teach the great men, the consuls, generals, &c. to be less public-spirited—to defraud the treasury of its wealth, and bestow it upon them: they accordingly opposed the triumph of this great and disinterested general, and the first tribes absolutely rejected it. —Who, upon this occasion, saved the honour, justice, and dignity of the republic? Not the plebeians, but the senators. The senators were highly enraged at this infamous injustice and ingratitude, and this daring effort of popular licentiousness and avarice, and were obliged to make a noise, and excite a tumult. Servilius, too, who had been consul, and had killed three and twenty ene-



mies who had challenged him in single combat, made a long speech, in which he shewed the baseness of their conduct in so striking a light, that he made the people ashamed of themselves; and at length they consented to the triumph, but to all appearance more from a desire to see the show of Perseus laden with chains, led through the city before the chariot of the victor, than from any honest and public-spirited design to reward merit. The sum which he caused to be carried into the public treasury on the day of the triumph was one million three hundred thousand pounds sterling, and caused the taxes of the Roman people to be abolished. At his death, after the sale of part of his slaves, moveables, and some farms, to pay his wife's dower, the remainder of his fortune was but nine thousand three hundred and seventy-five pounds sterling. As he was descended from one of the most noble and ancient houses of Rome, illustrious by the highest dignities, the smallness of his fortune reflects honour on his ancestors as well as on himself. The love of simplicity was still supported in some of the great families, by extreme care not to ally themselves with luxurious ones; and Æmilius chose Tubero, of the family of Ælii, whose first piece of plate was a silver cup of five pounds weight, given him by his father-in-law. These few families stemmed the torrent of popular avarice and extravagance.

Let us now consider what would have been the fate of Æmilius, if Rome had been governed at this time by Nedham's succession of the people's representatives, unchecked by a senate. It is plain he must have given into the common practice of flattering, caressing, soothing, bribing, and cajoling the people, or never have been consul, never

commanded armies, never triumphed. An example more destructive of our author's system can scarcely be found, and yet he has the inadvertence at least to adduce it in support of his Right Constitution of a Commonwealth. It has been necessary to quote these anecdotes at some length, that we may not be deceived by a specious show, which is destitute of substance, truth, and fact, to support it.

But how come all these examples to be patricians and senators, and not one instance to be found of a plebeian commander who did not make a different use of his power?

There is a strange confusion or perversion in what follows: "Rome never thrived until it was settled in a freedom of the people." Rome never was settled in a freedom of the people; meaning in a free state, according to our author's definition of it, a succession of the supreme authority in the people's representatives. Such an idea never existed in the Roman commonwealth, not even when or before the people made Cæsar a perpetual dictator. Rome never greatly prospered until the people obtained a small mixture of authority, a slight check upon the senate, by their tribunes. This, therefore, is proof in favour of the mixture, and against the system of our author.

"Freedom was best preserved, and interest best advanced, when all places of honour and trust were exposed to men of merit, without distinction." True, but this never happened till the mixture took place.

"This happiness could never be obtained, until the people were inflated in a capacity of preferring whom they thought worthy, by a freedom of electing men successively into their supreme

"premiere

“preme offices and assemblies.” What is meant here by supreme offices? There were none in Rome but the dictators, and they were appointed by the senate, at least until Marius annihilated the senate, by making the tribes omnipotent. Consuls could not be called supreme officers in any sense. What is meant by supreme assemblies? There were none but the senate. The Roman people never had the power of electing a representative assembly.—“So long as this custom continued, and merit took place, the people made shift to keep and increase their liberties.” This custom never took place, and, strictly speaking, the Roman people never enjoyed liberty. The senate was sovereign till the people set up a perpetual dictator.

“When this custom lay neglected, and the stream of preferment began to run along with the favour and pleasure of particular powerful men, then vice and compliance making way for advancement, the people could keep their liberties no longer; but both their liberties and themselves were made the price of every man’s ambition and luxury.” But when was this? Precisely when the people began, and in proportion as they approached to, an equality of power with the senate, and to that state of things which our author contends for; so that the whole force of his reasoning and examples, when they come to be analyzed, conclude against him.

The eighth reason, why the people in their assemblies are the best keepers of their liberty, is, “because it is they only that are concerned in the point of liberty.”—It is agreed that the people in their assemblies, tempered by another

Eighth  
Arg.

coequal assembly, and an executive coequal with either, are the best keepers of their liberties. But it is denied that in one assembly, collective or representative, they are the best keepers: it may be reasonably questioned, whether they are not the worst; because they are as sure to throw away their liberties, as a monarch or a senate untempered are to take them; with this additional evil, that they throw away their morals at the same time; whereas monarchs and senates sometimes by severity preserve them in some degree. In a simple democracy, the first citizen, and the better sort of citizens, are part of the people, and are equally "concerned" with any others "in the point of liberty." But is it clear that in other forms of government "the main interest and concernment, both of kings and grandees, lies either in keeping the people in utter ignorance what liberty is, or else in allowing and pleasing them only with the name and shadow of liberty instead of the substance?" It is very true that knowledge is very apt to make people uneasy under an arbitrary and oppressive government: but a simple monarch, or a sovereign senate, which is not arbitrary and oppressive though absolute, if such cases can exist, would be interested to promote the knowledge of the nation. It must, however, be admitted, that simple governments will rarely if ever favour the dispersion of knowledge among the middle and lower ranks of people. But this is equally true of simple democracy: the people themselves, if uncontrouled, will never long tolerate a freedom of inquiry, debate, or writing; their idols must not be reflected on, nor their schemes and actions scanned, upon pain of popular vengeance, which is not less terrible than that of despots or sovereign senators.

"In



“ In free states, the people being sensible of  
“ their past condition in former times under the  
“ power of great ones, and comparing it with the  
“ possibilities and enjoyments of the present, be-  
“ come immediately instructed, that their main  
“ interest and concernment consists in liberty ;  
“ and are taught by common sense, that the only  
“ way to secure it from the reach of great ones,  
“ is to place it in the people’s hands, adorned  
“ with all the prerogatives and rights of supre-  
“ macy.” It is very true that the main interest  
and concernment of the people is liberty. If  
their liberties are well secured they may be happy  
if they will ; and they generally, perhaps always,  
are so. The way to secure liberty is to place it in  
the people’s hands, that is, to give them a power  
at all times to defend it in the legislature and in  
the courts of justice : but to give the people, un-  
controuled, all the prerogatives and rights of  
supremacy, meaning the whole executive and judi-  
cial power, or even the whole undivided legisla-  
tive, is not the way to preserve liberty. In such  
a government it is often as great a crime to op-  
pose or decry a popular demagogue, or any of his  
principal friends, as in a simple monarchy to op-  
pose a king, or in a simple aristocracy the sena-  
tors ; the people will not bear a contemptuous  
look or disrespectful word ; nay, if the style of  
your homage, flattery, and adoration, is not as  
hyperbolical as the popular enthusiasm dictates,  
it is construed into disaffection ; the popular  
cry of envy, jealousy, suspicious temper, vanity,  
arrogance, pride, ambition, impatience of a supe-  
rior, is set up against a man, and the rage and  
fury of an ungoverned rabble, stimulated under-  
hand by the demagogick despots, breaks out into  
every kind of insult, obloquy, and outrage, often

ending in murders and massacres, like those of the De Witts, more horrible than any that the annals of despotism can produce.

It is indeed true, that "the interest of freedom" is a virgin that every one seeks to deflower; and "like a virgin it must be kept, or else (so great is the lust of mankind after dominion) there follows a rape upon the first opportunity." From this it follows, that liberty in the legislature is "more secure in the people's hands than in any other, because they are most concerned in it:"—provided you keep the executive power out of their hands entirely, and give the property and liberty of the rich a security in a senate, against the encroachments of the poor in a popular assembly. Without this the rich will never enjoy any liberty, property, reputation, or life, in security. The rich have as clear a right to their liberty and property as the poor: it is essential to liberty that the rights of the rich be secured; if they are not, they will soon be robbed and become poor, and in their turn rob their robbers, and thus neither the liberty or property of any will be regarded.

"The careful attention to liberty makes the people both jealous and zealous, keeping a constant guard against the attempts and encroachments of any powerful or crafty underminers." But this is true only while they are made a distinct body from the executive power, and the most conspicuous citizens mingle all together, and a scramble instantly commences for the loaves and fishes, abolition of debts, shutting up courts of justice, divisions of property, &c. Is it not an insult to common sense, for a people with the same breath to cry *liberty*, an *abolition of debts*, and *division of goods*? If debts are once abolished, and goods are divided, there will be the same reason for a fresh abolition

abolition and division every month and every day: and thus the idle, vicious, and abandoned, will live in constant riot on the spoils of the industrious, virtuous, and deserving. "Powerful and crafty underminers have no where such rare sport" as in a simple democracy, or single popular assembly. No where, not in the completest despotisms, does human nature show itself so completely depraved, so nearly approaching an equal mixture of brutality and devilism, as in the last stages of such a democracy, and in the beginning of that despotism that always succeeds it.

"A people having once tasted the sweets of freedom, are so affected with it, that if they discover or suspect the least design to encroach upon it, they count it a crime never to be forgiven." Strange perversion of truth and fact! This is so far from the truth, that our author himself is not able to produce a single instance of it as a proof or illustration. Instead of adducing an example of it from a simple democracy, he is obliged to have recourse to an example that operates strongly against him, because taken from an aristocracy. In the Roman state, one gave up his children, another his brother, to death, to revenge an attempt against common liberty. Was Brutus a man of the people? was Brutus for a government of the people in their sovereign assemblies? Was not Brutus a patrician? did he not think patricians a different order of beings from plebeians? Did he not erect a simple aristocracy? did he not sacrifice his sons to preserve that aristocracy? Is it not equally probable that he would have sacrificed them to preserve his aristocracy from any attempt to set up such a government as our author contends for, or even against any attempt to have given the plebeians a share in

in the government; nay, against any attempt to erect the office of tribunes at that time?—"Divers sacrificed their lives to preserve it." To preserve what? The standing government of *grandeės*, against which our author's whole book is written. "Some sacrificed their best friends to vindicate it, upon bare suspicion, as in the case of *Melius* and *Manlius*." To vindicate what? Liberty? popular liberty? plebeian liberty? Precisely the contrary. These characters were murdered for daring to be friends to popular liberty; for daring to think of limiting the power of the *grandeės*, by introducing a share of popular authority, and a mixed constitution; and the people themselves were so far from the zeal, jealousy, and love of liberty, that our author ascribes to them, that they suffered their own authority to be prostituted before their eyes, to the destruction of the only friends they had, and to the establishment of their enemies, and a form of government by *grandeės*, under which they had no liberty, and in which they had no share.—Our author then cites examples of revenge in Greece. 1656 was a late age in the history of philosophy, as well as morality and religion, for any writer to preach revenge as a duty and a virtue: reason and philanthropy, as well as religion, pronounce it a weakness and a vice in all possible cases. Examples enough of it, however, may be found in all revolutions: but monarchies and aristocracies have practised it, and therefore the virtue of revenge is not peculiar to our author's plan. In *Corcyra* itself the people were massacred by the *grandeės* as often as they massacred the *grandeės*: and of all kinds of spirits that we read of, out of hell, this is the last that an enlightened friend of liberty would philosophically inculcate! Let legal liberty vindicate itself  
by



by legal punishments and moral measures; but mobs and massacres are the disgrace of her sacred cause still more than of that of humanity.

Florence too, and Cosmus\*, are quoted, and the alternatives of treachery, revenge, and cruelty; all arising, as they did in Greece, from the want of a proper division of authority and an equal balance. Let any one read the history of the first Cosimo, his wisdom, virtues, and unbounded popularity, and then consider what would have been the consequence if Florence, at that period, had been governed by our author's plan of successive single assemblies, chosen by the people annually. It is plain that the people would have chosen such, and such only, for representatives as Cosimo and his friends would have recommended: at least a vast majority of them would have been his followers, and he would have been absolute. It was the aristocracy and the forms of the old constitution that alone served as a check upon him. The speech of Uzzano must convince you, that the people were more ready to make him absolute than ever the Romans were to make Cæsar a perpetual dictator. He confesses that Cosimo was followed by the whole body of the plebeians, and by one half the nobles: that if Cosimo was not made master of the commonwealth, Rinaldo would be, whom he dreaded much more. In truth, the government at this time was in reality become monarchical, and that ill-digested aristocracy, which they called a popular state, existed only in form; and the persecution of Cosimo only served to explain the secret. Will it be denied that a nation has a right to choose a government for themselves? The question really was no more than this, whether Rinaldo or Cosimo should be master. The

\* See vol. ii. p. 94.

nation declared for Cosimo, reversed that banishment into which he had been very unjustly sent by Rinaldo, demanded his return, and voted him the father of his country. This alone is full proof, that if the people had been the keepers of their own liberties, in their successive assemblies, they would have given them all to Cosimo; whereas, had there been an equal mixture of monarchy, aristocracy, and democracy, in that constitution, the nobles and commons would have united against Cosimo the moment he attempted to overleap the boundaries of his legal authority. Uzzano confesses, that unless charity, liberality, and beneficence, were crimes, Cosimo was guilty of no offence, and that there was as much to apprehend from his own party as from the other, in the point of liberty. All the subsequent attempts of Rinaldo to put Cosimo to death and to banish him were unqualified tyranny. He saved his life, it is true, by a bribe, but what kind of patrons of liberty were these who would betray it for a bribe? His recall and return from banishment seems to have been the general voice of the nation, expressed, according to the forms and spirit of the present constitution, without any appearance of such treachery as our author suggests. Whether Nedham knew the real history of Florence is very problematical; all his examples from it are so unfortunate as to be conclusive against his project of a government\*. The real essence of the government in Florence had been, for the greatest part of fifty years, a monarchy, in the hands of Uzzino and Nasso, according to Machiavel's own account; its form an aristocracy, and its name a popular state: nothing of the

\* See vol. ii, p. 96, 97, 98, 99.

essence was changed by the restoration of Cosimo; the form and name only underwent an alteration.—Holstein too is introduced, merely to make a story for the amusement of a drunken mob. “Here is a health to the remembrance of our liberty,” said the “boorish, poor, silly generation,” seventy years after they were made a duchy. Many hogsheds of ale and porter, I doubt not, were drank in England in consequence of this Holstein story; and that was all the effect it could have towards supporting our author’s argument.

“How deep soever the impression may be, that  
“is made by the love of liberty upon the minds  
“of the people, it will not follow that they alone  
“are the best keepers of their own liberties,  
“being more tender and more concerned in their  
“security than any powerful pretenders whatsoever.” Are not the senators, whether they be hereditary or elective, under the influence of powerful motives to be tender and concerned for the security of liberty? Every senator, who consults his reason, knows that his own liberty, and that of his posterity, must depend upon the constitution which preserves it to others. What greater refuge can a nation have, than in a council, in which the national maxims, and the spirit and genius of the state, are preserved by a living tradition? What stronger motive to virtue, and to the preservation of liberty, can the human mind perceive, next to those of rewards and punishments in a future life, than the recollection of a long line of ancestors who have sat within the walls of the senate, and guided the councils, led the armies, commanded the fleets, and fought the battles of the people, by which the nation has been sustained in its infant years, defended from dangers, and carried, through calamities, to wealth, grandeur, prosperity,

prosperity, and glory? What institution more useful can possibly exist, than a living repertory of all the history, knowledge, interests, and wisdom of the commonwealth, and a living representative of all the great characters whose prudence, wisdom, and valour, are registered in the history and recorded in the archives of the country? If the people have the periodical choice of these, we may hope they will generally select those, among the most conspicuous for fortune, family, and wealth, who are most signalized for virtue and wisdom, which is more advantageous than to be confined to the eldest son, however defective, to the exclusion of younger sons, however excellent, and to one family, though decayed and depraved, to another more deserving, as in hereditary senates: but that a senate, guarded from ambition, should be objected to, by a friend of liberty and republican government, is very extraordinary. Let the people have a full share, and a decisive negative; and, with this impregnable barrier against the ambition of the senate on one side, and the executive power with an equal negative on the other, such a council will be found the patron and guardian of liberty on many occasions, when the giddy thoughtless multitude, and even their representatives, would neglect, forget, or even despise and insult it; instances of all which are not difficult to find.

Ninth  
Arg.

The ninth reason is, "because the people are less luxurious than kings or grandees."—That may well be denied. Kings, nobles, and people, are all alike in this respect, and in general know no other bounds of indulgence than the capacity of enjoyment, and the power to gratify it. The problem ought to be to find a form of government best calculated to prevent the bad effects and corruption of luxury, when, in the ordinary course



course of things, it must be expected to come in. Kings and nobles, if they are confessed to enjoy or indulge in luxury more than the commons, it is merely because they have more means and opportunities; not because they have stronger appetites, passions, and fancies, or, in other words, a stronger propensity to luxury than the plebeians. If it should be conceded, that the passions and appetites strengthen by indulgence, it must be confessed too, that they have more motives to restrain them; but in regard to mere animal gratification, it may well be denied that they indulge or enjoy more than the common people on an average. Eating and drinking surely is practised with as much satisfaction by the footman as his lord; and as much pleasure may be tasted in gin, brandy, ale, and porter, as in Burgundy or Tokay; in beef and pudding, as in ortolans and jellies. If we consider nations together, we shall find that intemperance and excess is more indulged in the lowest ranks than in the highest. The luxury of dress, beyond the defence from the weather, is a mere matter of politics and etiquette throughout all the ranks of life; and, in the higher ranks, rises only in proportion as it rises in the middle and the lowest. The same is true of furniture and equipage, after the ordinary conveniences and accommodations of life. Those who claim or aspire to the highest ranks of life, will eternally go a certain degree above those below them in these particulars, if their incomes will allow it. Consideration is attainable by appearance, and ever will be; and it may be depended on, that rich men in general will not suffer others to be considered more than themselves, or as much, if they can prevent it by their riches. The poor and the middle ranks, then, have it in their power to diminish

diminish luxury as much as the great and rich have. Let the middle and lower ranks lessen their style of living, and they may depend upon it the higher ranks will lessen theirs. It is commonly said every thing is *regis ad exemplum*; that the lower ranks imitate the higher; and it is true; but it is equally true that the higher imitate the lower. The higher ranks will never exceed their inferiors but in a certain proportion; but *the distinction* they are absolutely obliged to keep up, or fall into contempt and ridicule. It may gratify vulgar malignity and popular envy, to declaim eternally against the rich and the great, the noble and the high; but, generally and philosophically speaking, the manners and characters in a nation are all alike: the lowest and the middling people, in general, grow vicious, vain, and luxurious, exactly in proportion. As to appearance, the higher sort are obliged to raise theirs in proportion as the stories below ascend. A free people are the most addicted to luxury of any: that equality which they enjoy, and in which they glory, inspires them with sentiments which hurry them into luxury. A citizen perceives his fellow-citizen, whom he holds his equal, have a better coat or hat, a better house or horse, than himself, and sees his neighbours are struck with it, talk of it, and respect him for it: he cannot bear it; he must and will be upon a level with him. Such an emulation as this takes place in every neighbourhood, in every family; among artificers, husbandmen, labourers, as much as between dukes and marquesses, and more—these are all nearly equal in dress, and are now distinguished by other marks. Declamations, oratory, poetry, sermons, against luxury, riches, and commerce, will never have much effect: the most  
rigorous

rigorous sumptuary laws will have little more.—

“Discordia et avaritia, atque ambitio, et cetera  
“secundis rebus oriri sueta mala, post Carthaginis  
“excidium maxumè aucta sunt. Ex quo tem-  
“pore majorum mores, non paulatim ut antea,  
“sed torrentis modo præcipitati.” Sallust. in

Frag.—In the late war, the Americans found an unusual quantity of money flow in upon them, and, without the least degree of prudence, foresight, consideration, or measure, rushed headlong into a greater degree of luxury than ought to have crept in in a hundred years. The Romans charged the ruin of their commonwealth to luxury: they might have charged it to the want of a balance in their constitution. In a country like America, where the means and opportunities for luxury are so easy and so plenty, it would be madness not to expect it, be prepared for it, and provide against the dangers of it in the constitution. The balance, in a triple-headed legislature, is the best and the only remedy. If we will not adopt that, we must suffer the punishment of our temerity. The supereminence of a threefold balance, above all the imperfect balances that were attempted in the ancient republics of Greece and Italy, and the modern ones of Switzerland and Holland, whether aristocratical or mixed, lies in this, that as it is capable of governing a great nation and large territory, whereas the others can only exist in small ones, so it is capable of preserving liberty among great degrees of wealth, luxury, dissipation, and even profligacy of manners; whereas the others require the utmost frugality, simplicity, and moderation, to make human life tolerable under them.

“Where luxury takes place, there is a natural  
“tendency to tyranny.” There is a natural ten-

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dency

dency to tyranny every where, in the simplest manners as well as the most luxurious, which nothing but force can stop. And why should this tendency be taken from human nature, where it grows as in its native soil, and attributed to luxury? "The nature of luxury lies altogether in excess. It is an universal depravation of manners, without reason, without moderation: it is the canine appetite of a corrupt will and phantasy, which nothing can satisfy; but in every action, in every imagination, it flies beyond the bounds of honesty, just and good, into all extremity." This is declamation and rant that it is not easy to comprehend. There are all possible degrees of luxury which appear in society, with every degree of virtue, from the first dawning of civilization to the last stage of improvement and refinement; and civility, humanity, and benevolence, increase commonly as fast as ambition of conquest, the pride of war, cruelty, and bloody rage, diminishes. Luxury, to certain degrees of excess, is an evil; but it is not at all times, and in all circumstances, an absolute evil. It should be restrained by morality and by law, by prohibitions and discouragements. But the evil does not lie here only; it lies in human nature: and that must be restrained by a mixed form of government, which is the best in the world to manage luxury. Our author's government would never make, or, if it made, it never would execute laws to restrain luxury.

"That form of government," says our author, "must needs be the most excellent, and the people's liberty most secured, where governors are least exposed to the baits and snares of luxury." That is to say, that form of government is the best, and the people's liberty most secure, where



the people are poorest: this will never recommend a government to mankind. But what has poverty or riches to do with the form of government? If mankind must be voluntarily poor in order to be free, it is too late in the age of the world to preach liberty. Whatever Nedham might think, mankind in general had rather be rich under a simple monarchy, than poor under a democracy. But if that is the best form of government, where governors are least exposed to the baits and snares of luxury, the government our author contends for is the worst of all possible forms. There is, there can be no form in which the governors are so much exposed to the baits and snares of luxury as in a simple democracy. In proportion as a government is democratical, in a degree beyond a proportional prevalence of monarchy and aristocracy, the wealth, means, and opportunities being the same, does luxury prevail. Its progress is instantaneous. There can be no subordination. One citizen cannot bear that another should live better than himself; a universal emulation in luxury instantly commences; and the governors, that is, those who aspire at elections, are obliged to take the lead in this silly contention: they must not be behind the foremost in dress, equipage, furniture, entertainments, games, races, spectacles; they must feast and gratify the luxury of electors to obtain their votes; and the whole executive authority must be prostituted, and the legislative too, to encourage luxury. The Athenians made it death for any one to propose the appropriation of money devoted to the support of the theatre to any the most necessary purposes of the state. In monarchies and aristocracies much may be done, both by precept and example, by laws and manners, to diminish luxury

and restrain its growth; in a mixed government more still may be done for this salutary end; but in a simple democracy, nothing: every man will do as he pleases—no sumptuary law will be obeyed—every prohibition or impost will be eluded; no man will dare to propose a law by which the pleasures or the liberty of the citizen shall be restrained. A more unfortunate argument for a simple democracy could not have been thought of: it is, however, a very good one in favour of a mixed government.

Our author is no where so weak as in this reason, or under this head. He attempts to prove his point by reason and examples, but is equally unfortunate in both. First, by reason. "The people," says he, "must be less luxurious than kings, or great ones, because they are bounded within a more lowly pitch of desire and imagination: give them but panem et tircenses, bread, sport, and ease, and they are abundantly satisfied." It is to be feared that this is too good a character for any people living, or that have lived. The disposition to luxury is the same, though the habit is not, both in plebeians, patricians, and kings. When we say their desires are bounded, we admit the desires to exist. Imagination is as quick in one as in the other. It is demanding a great deal, to demand "bread, and sports, and ease." No one can tell how far these terms may extend. If by bread is meant a subsistence, a maintenance in food and clothing, it will mount up very high; if by sports be meant cock-fighting, horse-racing, theatrical representations, and all the species of cards, dice, and gambling, no mortal philosopher can fathom the depth of this article; and if with "bread" and "sport" they are to have "ease" too, and by ease

be meant idleness, an exemption from care and labour, all three together will amount to as much as ever was demanded for nobles or kings, and more than ought ever to be granted to either. But let us grant all this for a moment; we should be disappointed; the promised "abundant satisfaction" would not be found. The bread must soon be of the finest wheat; poultry and gibbier must be added to beef and mutton; the entertainments would not be elegant enough after a time; more expence must be added:—in short, contentment is not in human nature; there is no passion, appetite, or affection for contentment. To amuse and flatter the people with compliments of qualities that never existed in them, is not the duty nor the right of a philosopher or legislator; he must form a true idea and judgment of mankind, and adapt his institutions to facts, not compliments.

"The people have less means and opportunities for luxury than those pompous standing powers, whether in the hands of one or many." But if the sovereignty were exercised wholly by one popular assembly, they would then have the means and opportunities in their hands as much as the king has in a monarchy, or the senate in an aristocracy or oligarchy; and much more than either king or nobles have in the tripartite composition we contend for; because in this the king and nobles have really no means or opportunities of luxury but what are freely given them by the people, whose representatives hold the purse. Accordingly, in the simple democracy, or representative democracy, which our author contends for, it would be found, that the great leaders in the assembly would soon be as luxurious as ever kings or hereditary nobles were, and they would make

partisans by admitting associates in a luxury, which they would support at the expence of the minority; and every particle of the executive power would be prostituted, new lucrative offices daily created, and larger appointments annexed to support it: nay, the power of judging would be prostituted to determine causes in favour of friends and against enemies, and the plunder devoted to the luxury. The people would be found as much inclined to vice and vanity as kings or grandees, and would run on to still greater excess and riot: for kings and nobles are always restrained, in some degree, by fear of the people, and their censures; whereas the people themselves, in the case we put, are not restrained by fear or shame, having all honour and applause at their disposal, as well as force. It does not appear, then, that they are less luxurious; on the contrary they are more luxurious, and necessarily become so, in a simple democracy.

Our author triumphantly concludes, "it is clear the people, that is, their successive representatives" (all authority in one centre, and that centre the nation) "must be the best governors, because the current of succession keeps them the less corrupt and presumptuous." He must have forgot that these successive representatives have all the executive power, and will use it at once for the express purpose of corruption among their constituents, to obtain votes at the next election. Every commission will be given, and new offices created, and fresh fees, salaries, perquisites, and emoluments added, on purpose to corrupt more voters. He must have forgot that the judicial power is in the hands of these representatives, by his own suppositions, and that false accusations of crimes will be sustained to ruin enemies, disputes



putes in civil causes will be decided in favour of friends; in short, the whole criminal law, and the whole civil law concerning lands, houses, goods, and money, will be made subservient to the covetousness, pride, ambition, and ostentation of the dominant party and their chiefs. "The current of succession," instead of keeping them "less corrupt and presumptuous," is the very thing that annually makes them more corrupt and shameless. Instead of being more "free from luxurious courses," they are more irresistibly drawn into them; instead of being "free from oppressive and injurious practices," their parties at elections will force them into them: and all these things they must do to hold up the port and splendor of their tyranny; and if any of them hesitates at any imprudence that his party demands, he alone will be rejected, and another found whose conscience and whose shame are sufficiently subdued.

Unfortunate in his arguments from reason, to shew that the people, qualified with the supreme authority, are less devoted to luxury than the grandee or kingly powers, our author is still more unhappy in those drawn from example.

The first example is Athens. "While Athens remained free, in the people's hands, it was adorned with such governors as gave themselves up to a *serious, abstemious, and severe* course of life." *Sobriety, abstinence, and severity*, were never remarkable characteristics of democracy, or the democratical branch or mixture, in any constitution; they have oftener been the attributes of aristocracy and oligarchy. Athens, in particular, was never conspicuous for these qualities; but, on the contrary, from the first to the last moment of her democratical constitution, *levity, gaiety, inconstancy*,

*stancy, dissipation, intemperance, debauchery, and a dissolution of manners*, were the prevailing character of the whole nation. At what period will it be pretended that they were adorned with these serious, abstemious, and severe governors? and what were their names? Was Pisistratus so serious, when he drove his chariot into the Agora, wounded by himself, and duped the people to give him his guard? or when he dressed the girl like Minerva? Was Hipparchus or Hippias, Cleisthenes or Isagoras, so abstemious? Was there so much abstinence and severity of public virtue in applying first to Sparta, and then to Persia, against their country, as the leaders alternately did? Miltiades indeed was serious, abstemious, and severe; but Xanthippus, who was more popular, and who conducted a capital accusation against him, and got him fined fifty talents, was not. Themistocles! was he the severe character? A great statesman and soldier, to be sure; but very ambitious, and not very honest. Pericles sacrificed all things to his ambition; Cleon and Alcibiades were the very reverse of sobriety, moderation, and modesty. Miltiades, Aristides, Socrates, and Phocion, are all the characters in the Athenian story who had this kind of merit; and to shew how little the Athenians themselves deserved this praise, or esteemed it in others, the first was condemned by the people in an immense fine, the second to banishment, and the third and fourth to death. Aristides had Themistocles, a more popular man, constantly to oppose him. He was, indeed, made financier of all Greece; but what other arbitration had Athens? And Aristides himself, though a professed imitator of Lycurgus, and a favourer of aristocracy, was obliged to overturn the constitution, by giving way to the furious ambition of

of the people, and by letting every citizen into the competition for the archonship \*. "Being at the height, they began to decline;" that is, almost in the instant when they had expelled the Pisistratidæ, and acquired a democratical ascendancy, though checked by the areopagus and many other institutions of Solon, they declined. The good conduct of the democracy began and ended with Aristides. "Permitting some men to greatness themselves by continuing long in power and authority, they soon lost their pure principles of severity and liberty." In truth, nobody yet had such principles but Miltiades and Aristides. As soon as the people got unlimited power, they did as the people always do, give it to their flatterers, like Themistocles, and continued it in him. To what purpose is it to talk of the rules of a free state, when you are sure those rules will be violated? The people unbalanced never will observe them.

"The thirty" were appointed by Lyfander, after the conquest of Athens by Sparta: yet it was not the continuance, but the illimitation, of their power that corrupted them. These, indeed, behaved like all other unchecked assemblies: the majority destroyed Theramenes, and the few vir-

\* When the city of Athens was rebuilt, the people finding themselves in a state of tranquillity, endeavoured by every means to get the whole government into their own hands. Aristides perceiving that it would be no easy matter to restrain a people with arms in their hands, and grown insolent with victory, studied methods to appease them. He passed a decree, that the government should be common to all the citizens; and that the archons, who were the chief magistrates, and used to be chosen only out of those who received at least five hundred medimnis of grain from the product of their lands, should for the future be elected from among all the Athenians without distinction. Plut. Arist.

tuous members who happened to be among them and were a reproach to them, and then ruled with a rod of iron. Nothing was heard of but murders and imprisonments. Riches were a crime that never failed to be punished with confiscation and death. More people were put to death in eight months of peace than had been slain by the enemy in a war of thirty years. In short, every body of men, every unchecked assembly in Athens, had invariably behaved in this manner: the four hundred formerly chosen; now the thirty; and afterwards the ten. Such universal, tenacious, and uniform conspiracies against liberty, justice, and the public good; such a never failing passion for tyranny possessing republicans born in the air of liberty, nurtured in her bosom, accustomed to that equality on which it is founded, and principled by their education from their earliest infancy in an abhorrence of all servitude, have astonished the generality of historians. There must be in power, say they, some violent impulse to actuate so many persons in this manner, who had no doubt sentiments of virtue and honour, and make them forget all laws of nature and religion. But there is really no room for all this surprise: it is the form of government that naturally and necessarily produces the effect. The astonishment really is, and ought to be only, that there is one sensible man left in the world who can still entertain an esteem, or any other sentiment than abhorrence, for a government in a single assembly.

“ Such also was the condition of Athens when Pisistratus usurped the tyranny.” But who was it that continued the power of Pisistratus and his sons? The people. And if this example shows, like all others, that the people are always disposed to continue and increase the power of their favourites



yourites against all maxims and rules of freedom, this also is an argument for placing balances in the constitution, even against the power of the people.

From Athens our author comes to Rome. "Under Tarquin it was dissolved in debauchery." — "Upon the change of government their manners were somewhat mended." This difference does not appear: on the contrary, the Roman manners were under the kings as pure, as under the aristocracy that followed. "The senate being a standing power, soon grew corrupt, and first let in luxury, then tyranny; till the people being interested in the government, established a good discipline and freedom both together, which was upheld with all severity till the grandees came in play." When an author writes from imagination only, he may say what he pleases; but it would be trifling to adduce proofs in detail of what every one knows. The whole history of Rome shows that corruption began with the people sooner than in the senate; that it increased faster; that it produced the characters he calls grandees, as the Gracchi, Marius, Sylla, and Cæsar; and that the senate was for centuries the check that preserved any degree of virtue, moderation, or modesty.

Our author's conclusion is, that "grandee and kingly powers are ever more luxurious than the popular are or can be; that luxury ever brings on tyranny as the bane of liberty; and therefore that the rights of the people, in a due and orderly succession of their supreme assemblies, are more secure in their own hands than any others."

But if the fact is otherwise, and the people are equally luxurious in a simple democracy as  
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in a simple aristocracy or monarchy ; but more especially if it be true, as it undoubtedly is, that they are more so ; then the contrary conclusion will follow, that their rights are more secure when their own power is tempered by a separate executive and an aristocratical senate.

The truth relating to this subject is very obvious, and lies in a narrow compass. The disposition to luxury is so strong in all men, and in all nations, that it can be restrained, where it has the means of gratification, only by education, discipline, or law. Education and discipline soon lose their force when unsupported by law : simple democracies, therefore, have occasion for the strictest laws to preserve the force of education, discipline, and severity of manners. This is the reason why examples of the most rigorous, the most tyrannical, sumptuary laws are found in governments the most popular : but such sumptuary laws are found always ineffectual ; they are always hated by the people, and violated continually ; and those who approve them neither dare repeal them, nor attempt to carry them into execution. In a simple aristocracy the disposition to luxury shews itself in the utmost extravagance, as in Poland : but it is confined to the gentlemen ; the common people are forbidden it ; and such sumptuary laws are executed severely enough. In simple monarchies sumptuary laws are made under the guise of prohibitions or imposts ; and luxury is generally no otherwise restrained than by the ability to gratify it : but as the difference of ranks is established by laws and customs universally known, there is no temptation for people in the lower ranks to imitate the splendor of those in the higher. But in the mixed government we contend for, the distinction of ranks is also generally known, or  
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ought to be: it has therefore all the advantage against general luxury which arises from subordination; and it has the further advantage of being able to execute prudent and reasonable sumptuary laws, whenever the circumstances of affairs require them. It is, therefore, safe to affirm, that luxury is less dangerous in such a mixed government than any other; has less tendency to prevail; and is much more easily restrained to such persons and objects as will be least detrimental to the public good.

The tenth reason is, "because the people under  
" this government are ever endued with a more  
" magnanimous, active, and noble temper of spirit,  
" then under the grandeur of any standing  
" power; and this arises from an apprehension  
" which every man has of his own share in the  
" public interest, as well as of that security which  
" he possesses in the enjoyment of his private  
" fortune, free from the reach of any arbitrary  
" power."

Tenth  
Arg.

This is a good argument in favour of a government in which the people have an essential part of the sovereign power; but none at all for one in which they exercise the whole. When they have a part, balanced by a senate and a distinct executive power, it is true they have more magnanimity, activity, and spirit; they have a regard to their own immediate share in the public interest; they have an apprehension of that security they possess in the enjoyment of their private fortunes, free from the reach of any arbitrary power. Whenever success betides the public, and the commonwealth conquers, thrives in dominion, wealth, or honour, the citizen reckons all his own: if he sees honours, offices, rewards, distributed

buted to valiant, virtuous, or learned men, he esteems them his own, as long as the door is left open to succeed in the same dignities and enjoyments, if he can attain to the same measure of desert. Men aspire to great actions when rewards depend on merit; and merit is more certain of reward in a mixed government than in any simple one. Rewards depend on the will and pleasure of particular persons, in standing powers of monarchy or aristocracy: but they depend equally on the will and pleasure of the principes populi, the reigning demagogues, in simple democracies, and for obvious reasons are oftener distributed in an arbitrary manner. In a mixed government the ministers of the executive power are always responsible, and gross corruption in the distribution of offices is always subject to inquiry and to punishment: but in simple governments the reigning characters are accountable to nobody. In a simple democracy each leader thinks himself accountable only to his party, and obliged to bestow honours, rewards, and offices, not upon merit and for the good of the whole state, but merely to increase his votes and partisans in future elections. But it is by no means just, politic, or true, to say, that offices, &c. are always conferred in free states, meaning single assemblies, according to merit, without any consideration of birth or fortune. Birth and fortune are as much considered in simple democracies as in monarchies, and ought to be considered, in some degree, in all states. Merit, it is true, ought to be preferred to both; but merit being equal, birth will generally determine the question in all popular governments; and fortune, which is a worse criterion, oftener still.

But what apprehension of their share in the public interest, or of their security in the enjoyment  
of



of their private fortune, can the minor party have in a simple democracy, when they see that successes, conquests, wealth, and honour, only tend to increase the power of their antagonists, and to lessen their own; when all honours, offices, and rewards, are bestowed to lessen their importance, and increase that of their opponents; when every door is shut against them to succeed to dignities and enjoyments, be their merit what it will; when they see that neither birth, fortune, nor merit, can avail them, and that their adversaries, whom they will call their enemies, succeed continually, without either birth, fortune, or merit? This is surely the course in a simple democracy, even more than in a simple aristocracy or monarchy. Abilities, no doubt, will be sought and purchased into the service of fortune and family in the predominant party, but left to perish in opposition.

A mixed government is the only one where merit can be expected to have fair play: there it has three resources, one in each branch of the legislature, and a fourth in the courts of justice; whereas in all simple governments it has but one.

Our author proceeds again to Roman history, and repeats examples he had used before, with equal ill success. The examples prove the contrary of what he cites them to prove. "The  
" Romans, under their kings, remained inconfi-  
" derable in reputation, and could never enlarge  
" the dominion very far beyond the walls of  
" their city. Afterwards, under the standing  
" power of the senate, they began to thrive a  
" little, and for a little time. But when the  
" people began to know, claim, and possess their  
" liberties, in being governed by a succession of  
" their supreme officers and assemblies, then it  
" was, and never till then, that they laid the  
" foundation,

“ foundation, and built the structure, of that  
 “ wondrous empire that overshadowed the whole  
 “ world.”

In support of all this, no doubt, will be cited the splendid authority of Sallust. “ Nam regibus,  
 “ boni quam mali, suspectiores sunt, semperque  
 “ his aliena virtus formidolosa est. Sed civitas,  
 “ incredibile memoratu est, adepta libertate, quam  
 “ brevi creverit; tanta cupido gloriæ inceserat.  
 “ Jam primum juvenus simul laboris ac belli  
 “ patrius orat, in castris per usum militiam disce-  
 “ bat; magisque in decoris armis et militaribus  
 “ equis, quam in scortis atque conviviis lubidi-  
 “ nem habebat.”—The condition and happiness of Rome under their kings, till the time of Tarquin, have been before related. It has been shewn, that the introduction of laws and formation of the manners of a barbarous rabble, assembled from all nations, engaged the attention both of the kings and the senate during this period. Their wars have been enumerated, and it has been shewn that the nation was not in a condition to struggle with its hostile neighbours, nor to contend among themselves. It has been shewn that, in proportion as they became easy and safe, the nobles began to envy the kings, and to form continual conspiracies against their authority, thrones, and lives, until it became a question only whether monarchy or aristocracy should be abolished. In this manner kings were necessitated either to give up all their authority into the hands of an haughty and aspiring senate, or assert a more decisive and arbitrary power than the constitution allowed them. In the contest the nobles prevailed, and in the wars with Tarquin and his successors, and their allies, soldiers and officers were formed, who became capable and desirous of conquest

quest and glory. Sallust himself confesses this in the former chapter: "Post, ubi regium imperium, quod *initio conservandæ libertatis, atque augendæ reipublicæ fuerat*, in superbiam, dominationem que convertit; immutato more, annua imperia, binosque imperatores, sibi fecere." In addition to this it should be remembered, that Sallust was an aristocratical historian, and attached to the sovereignty in the senate, or at least desirous of appearing so in his history, and an enemy to the government of a single person, of which the republic was at that time in the near prospect and the utmost danger. The question, in the mind of this writer, was not between an aristocracy and a mixed sovereignty, but between aristocracy and simple monarchy, or the empire of one: yet all that can be inferred from the fact, as stated by our author and by Sallust, is, that aristocracy at first is better calculated for conquest than simple monarchy. It by no means follows, that aristocracy is more friendly to liberty or commerce, the two blessings now most esteemed by mankind, than even simple monarchy. But the most exceptionable sentiment of all is this, "When the people began to possess their liberties, in being governed by a succession of their supreme officers and assemblies, then they laid the foundation of empire, and built the structure." By this one would think that the Romans were governed by a single representative assembly, periodically chosen, which is our author's idea of a perfect commonwealth: whereas nothing can be further from the truth. There is scarcely any constitution farther removed from a simple democracy, or a representative democracy, than the Roman. As has been before observed, from Romulus to Cæsar, aristocracy

cracy was the predominant feature of the sovereignty. The mixture of monarchical power in the kings and consuls, and the mixture of democratical power in the tribunes and popular assemblies, though unequal to the aristocratical ingredient, were checks to it, and strong stimulants to exertions, though not complete balances: but the periods of greatest liberty, virtue, glory, and prosperity, were those in which the mixture of all three was nearest equality. Our author's argument and example are clear and strong in favour of the triple combination, and decisive against the democracy he contends for.—“In those days  
“the world abounded with free states more  
“than any other form, as all over Italy, Gallia, Spain, and Africa.” It may be questioned whether there was then in the world one free state, according to our author's definition of it: all that were called free states in those days, were either aristocracies, oligarchies, or mixtures of monarchy and aristocracy, of aristocracy and democracy, or of monarchy, aristocracy, and democracy; but not one do we read of which was governed by a democracy simple, or by representation. The Achaian league, and others like it, were confederated cities, each city being independent, and itself a mixed government.

Carthage is the next example: and an excellent one it is to prove that a mixed government, in which the people have a share, gives them magnanimity, courage, and activity; but proves nothing to our author's purpose. The suffetes, the senate, and the people, the monarchical, aristocratical, and democratical powers, nicely balanced, as Aristotle says, were the constitution of Carthage, and secured its liberty and prosperity: but when the balance was weakened, and began to incline to



a dominatio plebis, the precise form of government our author contends for, they hastened to ruin. The next examples quoted by our author are the Swifs; another example which proves nothing for him, and much against him. All the cantons of any extent, numbers, or wealth, are aristocratical, or mixed: the little spots, that are called democratical, are more or less mixtures. The Hollanders, his last example, had no democratical mixture in their constitution; entirely aristocratical; and preserved from tyranny and destruction, partly by a stadtholder, partly by the people in mobs, but more especially by the number of independent cities and sovereignties associated together, and the great multitude of persons concerned in the government and composing the sovereignty, four or five thousand; and, finally, by the unanimity that is required in all transactions. Thus every one of these examples, ancient and modern, are a clear demonstration against our author's system, instead of being an argument for it. There is not even a colour in his favour in the democratical cantons of Switzerland, narrow spots or barren mountains, where the people live on milk; nor in St. Marino or Ragusa: no precedents, surely, for England or American states, where the people are numerous and rich, the territory capacious, and commerce extensive.

Freedom produces magnanimity and courage; but there is no freedom nor justice in a simple democracy for any but the majority: the ruling party, no doubt, will be active and bold; but the ruled will be discouraged, brow-beaten, and insulted, without a possibility of redress but by civil war. It is a mixed government then, well balanced, that makes all the nation of a noble temper. Our

author confesses, "We feel a loss of courage and magnanimity follow the loss of freedom;"—and it is very true. This loss is no where so keenly felt, as when we are enslaved by those whom the constitution makes our equals: this is the case of the minority always in a simple democracy.

Eleventh  
Arg.

The eleventh reason is, "because no determinations being carried but by consent of the people, therefore they must needs remain secure out of the reach of tyranny, and free from the arbitrary disposition of any commanding power."—No determinations are carried, it is true, in a simple or representative democracy, but by consent of the majority of the people, or their representatives. If our author had required unanimity in every vote, resolve, and law, in that case no determination could be carried but by consent of the people: but no good government was ever yet founded upon the principle of unanimity; and it need not be attempted to be proved that none such ever can exist. If the majority, then, must govern, and consequently often near half, and almost always a party, must be governed against their consent, it is the majority only who will remain secure out of the reach of tyranny, and free from the arbitrary disposition of any commanding power: the minority, on the contrary, will be constantly within the reach of tyranny, and under the arbitrary disposition of the commanding power of the majority. Nor do the minority, under such a government, "know what laws they are to obey, or what penalties they are to undergo, in case of transgression; nor have they any share or interest in making of laws, with the penalties annexed; nor do they become the more inexcusable if they offend:" nor ought they "the

" more

“ more willingly to submit to punishment, when they suffer for any offence,” for the minority have no laws but what the majority please to give, any more than “ when the government is managed “ in the hands of a particular person,” or “ continued in the hands of a certain number of great “ men:” nor do the minority “ know how to “ walk by those laws ” of the majority, or how to understand them, “ because the sense is oftentimes “ left at uncertainty; and it will be reckoned a “ great mystery of state, in such a form of government, that no laws shall be of any sense or force, “ but as the great ones ” among the majority “ please to expound them; ” so as “ the people “ of the minority ” will be “ left, as it were, “ without law, because they bear no other construction and meaning but what suits with the “ interests and fancies of particular men ” in the majority; “ not with right reason, or the public “ liberty.” To be convinced of this, we should recollect that the majority have the appointment of the judges, who will be generally the great leaders in the house, or their friends and partisans, and even great exertions will be made to pack juries; but without packing, the probability is, that a majority at least of the juries will be of the ruling party in the nation, and its sovereign assembly. We may go farther, and say, that as the passions and interests of the majority have no check, they will frequently make *ex post facto* laws; laws with a retrospect, to take in cases which, at the time, were not foreseen, for the mortification of the minority, and the support and encouragement of their adversaries. The judges will not be less “ reputed the oracles of the law ” under such a government, than under kings or standing senates; and the “ power of creating “ judges ”

“judges” will not indeed be “usurped,” but will be legally and constitutionally in the hands of the majority, or rather of their leader or leaders, “who will ever have a care to create such as will “make the law speak in favour of them upon any “occasion.” These principes populi may say, with as much arrogance and as much truth as it was ever said by Charles or James, “As long as we “have the power of making what judges and “bishops we please, we are sure to have no law “nor gospel but what shall please us.”

The example of Henry the Seventh and Henry the Eighth, those of James and Charles, are no doubt pertinent to prove, that “the usurpation of a prerogative of expounding the laws “after their own pleasure, made them rather snares “than instruments of relief, like a grand catchpole, to pill, poll, and geld the purses of the “people; to deprive many gallant men of their “lives and fortunes.” But if we had the history of any simple democracy, or democracy by simple representation, such as our author contends for, we should find that such a prerogative was usurped by the majority and their chiefs, and applied to as bad purposes. But the truth is, no such government, that we know of, ever existed. The universal sense of mankind has deemed it so destructive or impracticable, that no nation has ventured on it. The Italian republics of the middle age approach the nearest to it: their history is an answer. But if we consider those passions in human nature which cause despots, oligarchies, and standing senates, to make such an abuse of power, we must see that the same passions will ever exist in the majority and their leaders in a democracy, and produce the same fatal effects. It is really astonishing, that the institution of Lycurgus should  
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be adduced as a precedent in favour of our author's project of the right constitution of a commonwealth—there is scarcely a form of government in the world more essentially different from it, in all its parts. It is very true that the provision made by that legislator for an equality of laws, rights, duties, and burthens, among all the citizens, however imperfect it was, however inferior to the provision in the English and American constitutions, was the principal commendation of his plan; but instead of giving all power to the people or their representatives, he gave the real sovereignty to his standing senate. Our author himself is so sensible of this, that he allows the "Lacedemonian commonwealth to be cut out after the grandee fashion,"—"confirming the supremacy within the walls of the senate."—"The senate was in some measure restrained by laws, walking in the same even pace of subjection with the people; having few offices of dignity or profit which might make them swell with state and ambition; but were prescribed also the same rules of frugality, plainness, and moderation, as were the common people; by which means immoderate lusts and desires being prevented in the great ones, they were the less inclined to pride and oppression; and no great profit or pleasure being to be gotten by authority, very few desired it; and such as were in it sat free from envy, by which means they avoided that odium and emulation which used to rage betwixt the great ones and the people in that form of government." But how was this done? by collecting all authority into one centre? No; but by prohibiting travel and communication with strangers, which no people on earth are now barbarous and stupid enough to bear; by

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prohibiting commerce, which no people who have sense and feeling will now renounce ; and by prohibiting money, which all people now desire, and which makes the essential instrument for guiding the world. But all this would not have succeeded, if his constitution had been only one popular assembly. This was effected by reciprocal checks, and a real balance, approaching nearly to an absolute controul of the senate, by a marriage between the king and people. The king, so far from being a cypher, had great authority ; he was the standing and hereditary head of the commonwealth, and this alone must give him a dominion over the hearts and understandings both of senate and people, that must have amounted to a great authority. Our author is generally so sensible of the influence gained over high and low by standing authority, that it is wonderful he should forget it in this case. He was, besides, always commander in chief of the armies, and generally led in person ; and this, in all governments, gives a general an influence bordering on royal supremacy. But besides, there were two assemblies of the people, one for the city, and one for the country, and those popular representatives, the Ephori. But the indissoluble bond that united the king and people for ever, was the oath taken by the kings and Ephori every month ; the former never to violate the privileges of the people, and the latter for ever to be loyal to the kings, the descendants of Hercules. This was not equivalent to an absolute negative in the king and the people both, upon the laws of the senate, but it amounted to one complete negative upon the senate ; because the kings and people were both sworn to oppose all encroachments of the senate ; and if these had made unequal laws, and scrambled for  
more

more power, the people would have instantly taken arms, under the command of their Ephori and their kings, against the senate. This balance, this mixture, was the real cause of that equality which was preserved in Sparta. But if all authority had been in the popular assemblies, without kings or senate, the right constitution of a commonwealth which our author is an advocate for, that equality could not have existed twenty years; a majority would necessarily have risen up to carry all before them, and to depress the minority more and more, until the first man among the majority would have been king, his principal supporters nobles, and the rest not only plebeians, but slaves.

The question between us and our author, is not whether the people shall be excluded from all interest in government or not. In this point we are perfectly agreed, viz. that there can be no constitutional liberty, no free state, no right constitution of a commonwealth, where the people are excluded from the government; where, indeed, the people have not an independent equal share with the two other orders of the state, and an absolute controul over all laws and grants of money. We agree therefore in his next example, the commonwealth of Venice, "where the people are excluded from all interest in government; where the power of making and executing of laws, and bearing offices, with all other immunities, lies only in the hands of a standing senate, and their kindred, which they call the patrician or noble order." Their duke is indeed restrained; but far from being "made just such another officer as the Lacedemonian kings," he is reduced in dignity and authority much below them, "differing from the rest of the senate only in a corner of his cap, besides a little outward ceremony

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"mony and splendor."—"The senators them-  
 "selves have, indeed, liberty at random arbitra-  
 "rily to ramble, and do what they please with  
 "the people, who, excepting the city itself, are so  
 "extremely oppressed in all their territories, liv-  
 "ing by no law but the arbitrary dictates of the  
 "senate, that it seems rather a jundo than a com-  
 "monwealth;"—"and the subjects take so little  
 "content in it, that seeing more to be enjoyed  
 "under the Turk, they that are his borderers take  
 "all opportunities to revolt, and submit rather to  
 "the mercy of a Pagan tyranny; which dispo-  
 "sition if you consider, together with the little  
 "courage of their subjects, by reason they press  
 "them so hard, and how that they are forced for  
 "this cause to rely upon foreign mercenaries in  
 "all warlike expeditions, you might wonder how  
 "this state hath held up so long, but that we  
 "know the interest of Christendom being con-  
 "cerned in her security, she hath been chiefly  
 "supported by the supplies and arms of others."  
 All this is readily allowed. We concur also most  
 sincerely in our author's conclusion, in part, viz.  
 "That since kings, and all standing powers, are  
 "so inclinable to act according to their own wills  
 "and interests, in making, expounding, and exe-  
 "cuting of laws, to the prejudice of the people's  
 "liberty and security, that no laws whatsoever  
 "should be made but by the people's consent,  
 "as the only means to prevent arbitrariness."  
 But we must carry the conclusion farther, viz.  
 that since all men are so inclinable to act accord-  
 ing to their own wills and interests, in making,  
 expounding, and executing laws, to the prejudice  
 of the people's liberty and security, the sovereign  
 authority, the legislative, executive, and judicial  
 power, can never be safely lodged in one assembly,  
 though



though chosen annually by the people; because the majority and their leaders, the principes populi, will as certainly oppress the minority, and make, expound, and execute laws for their own wealth, power, grandeur, and glory, to the prejudice of the liberty and security of the minority, as hereditary kings or standing senates. The conclusion, therefore, that the people, in a succession of their supreme single assemblies, are the best keepers of their liberties, must be wholly reprobated.

The twelfth reason is, "because this form is  
"most suitable to the nature and reason of man- Twelfth  
"kind."—If Socrates and Plato, Cicero and Sene- Arg.  
ca, Hutchinson and Butler, are to be credited, reason is rightfully supreme in man, and therefore it would be most suitable to the reason of mankind to have no civil or political government at all. The moral government of God, and his vicegerent Conscience, ought to be sufficient to restrain men to obedience to justice and benevolence, at all times and in all places; we must therefore descend from the dignity of our nature, when we think of civil government at all. But the nature of mankind is one thing, and the reason of mankind another; and the first has the same relation to the last as the whole to a part: the passions and appetites are parts of human nature as well as reason and the moral sense. In the institution of government, it must be remembered, that although reason ought always to govern individuals, it certainly never did since the Fall, and never will till the Millennium; and human nature must be taken as it is, as it has been, and will be. If, as Cicero says, "man  
"is a noble creature, born with affections to rule  
"rather than obey, there being in every man a na-  
"tural desire of principality," it is yet certain  
that

that every man ought to obey as well as to rule, *αρχεῖν καὶ ἀρχεσθαι*, and that every man cannot rule alone. Each man must be content with his share of empire; and if the nature and reason of mankind, the nobleness of his qualities and affections, and his natural desires, prove his right to a share in the government, they cannot surely prove more than the constitutions of the United States have allowed, an annual election of the whole legislative and executive, the governor, senate, and house. If we admit them to prove more, they would prove that every man has every year a right to be governor, senator, and representative; which being impossible, is absurd. Even in our author's "Right Constitution," every man would have an equal right to be representative, chosen or not. The reason why one man is content to submit to the government of another, as assigned by our author, viz. "not because he conceives himself to have less right than another to govern, but either because he finds himself less able, or else because he judgeth it will be more convenient for himself and the community if he submits to another's government," is a proof of this; because the moment it is allowed that some are more able than others, and that the community are judges who the most able are, you take away the right to rule, derived from the nobleness of each man's individual nature, from his affections to rule rather than obey, or from his natural appetite or desire of principality, and give the right of conferring the power to rule to the community. As a share in the appointment of deputies is all that our author can with any colour infer from this noble nature of man, his nature will be gratified and his dignity supported as well, if you divide his deputies into

three orders, of governor for the executive, and an integral share in the legislative, of senators for another independent part of the legislative, and of representatives for a third, and if you introduce a judicious balance between them, as if you huddle them into one assembly, where they will soon disgrace their own nature, and that of their constituents, by ambition, avarice, jealousy, envy, faction, division, sedition, and rebellion. Nay, if it should be found that annual elections of governors and senators cannot be supported without introducing venality and convulsions, as is very possible, the people will consult the dignity of their nature better by appointing a standing executive and senate, than by insisting on elections, or at least by prolonging the duration of those high trusts, and making elections less frequent.

It is indeed a "most excellent maxim, that the original and fountain of all just power and government is in the people;" and if ever this maxim was fully demonstrated and exemplified among men, it was in the late American revolution, where thirteen governments were taken down from the foundation, and new ones elected wholly by the people, as an architect would pull down an old building and erect a new one. There will be no dispute then with Cicero, when he says, "A mind well instructed by the light of nature, will pay obedience," willingly, "to none but such as command, direct, or govern, for its good or benefit;" nor will our author's inferences from these passages of that oracle of human wisdom be denied: 1. That by the light of nature people are taught to be their own carvers and contrivers in the framing of that government under which they mean to live; 2. That none are to preside  
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in government, or sit at the helm, but such as shall be judged fit, and chosen by the people; 3. That the people are the only proper judges of the convenience or inconvenience of a government when it is erected, and of the behaviour of governors after they are chosen.—But then it is insisted, that rational and regular means shall be used that the whole people may be their own carvers, that they may judge and choose who shall preside, and that they may determine on the convenience or inconvenience of government, and the behaviour of governors. But then it is insisted, that the town of Berwick upon Tweed shall not carve, judge, choose, and determine for the whole kingdom of Great Britain, nor the county of Berkshire for the Massachusetts; much less that a lawless tyrannical rabble shall do all this for the state, or even for the county of Berkshire.

It may be, and is admitted, that a free government is most natural, and only suitable to the reason of mankind; but it by no means follows “that the other forms, as a standing power in the hands of a particular person, as a king, or of a set number of great ones, as in a senate,” much less that a mixture of the three simple forms “are beside the dictates of nature, and mere artificial devices of great men, squared only to serve the ends and interests of avarice, pride, and ambition of a few, to a vassallizing of the community.”—If the original and fountain of all power and government is in the people, as undoubtedly it is, the people have as clear a right to erect a simple monarchy, aristocracy, or democracy, or an equal mixture, or any other mixture of all three, if they judge it for their liberty, happiness, and prosperity, as they have to erect a  
democracy;



democracy ; and infinitely greater and better men than Marchamont Nedham, and the wisest nations that ever lived, have preferred such mixtures, and even with such standing powers, as ingredients in their compositions. But even those nations who choose to reserve in their own hands the periodical choice of the first magistrate, senate, and assembly, at certain stated periods, have as clear a right to appoint a first magistrate for life as for years, and for perpetuity in his descendants as for life. When I say for perpetuity, or for life, it is always meant to imply, that the same people have at all times a right to interpose, and to depose for mal-administration—to appoint anew. No appointment of a king or senate, or any standing power, can be, in the nature of things, for a longer period than *quam diu se bene gesserit*, the whole nation being judge. An appointment for life, or perpetuity, can be no more than an appointment until further order ; but further order can only be given by the nation : and until the nation shall have given the order, an estate for life, or in fee, is held in the office. It must be a great occasion which can induce a nation to take such a subject into consideration, and make a change. Until a change is made, an hereditary limited monarch is the representative of the whole nation, for the management of the executive power, as much as an house of representatives is, as one branch of the legislature, and as guardian of the public purse ; and a house of lords too, or a standing senate, represents the nation for other purposes, viz. as a watch set upon both the representatives and the executive power. The people are the fountain and original of the power of kings and lords, governors and senates, as well as the house of commons, or assembly of representatives :

sentatives : and if the people are sufficiently enlightened to see all the dangers that surround them, they will always be represented by a distinct personage to manage the whole executive power ; —a distinct senate, to be guardians of property against levellers for the purposes of plunder, to be a repository of the national tradition of public maxims, customs, and manners, and to be controulers in turn both of kings and their ministers on one side, and the representatives of the people on the other, when either discover a disposition to do wrong ;—and a distinct house of representatives, to be the guardians of the public purse, and to protect the people in their turn against both kings and nobles. A science certainly comprehends all the principles in nature which belong to the subject. The principles in nature which relate to government cannot all be known, without a knowledge of the history of mankind. The English constitution is the only one which has considered and provided for all cases that are known to have generally, indeed to have always happened in the progress of every nation ; it is, therefore, the only scientific government. To say then that standing powers have been erected, as mere artificial devices of great men, to serve the ends of avarice, pride, and ambition of a few, to the vassallizing of the community, is to declaim and abuse. Standing powers have been instituted to avoid greater evils, corruption, sedition, war, and bloodshed, in elections ; it is the people's business, therefore, to find out some method of avoiding them, without standing powers. The Americans flatter themselves they have hit upon it ; and no doubt they have for a time, perhaps a long one : but this remains to be proved by experience.

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Our author proceeds: "A consent and free election of the people, which is the most natural way and form of governing, hath no real effect in the other forms; but is either sup- planted by craft and custom, or swallowed up by a pernicious pretence of right, in one or many, to govern only by virtue of an hereditary succession."—If the people are so unenlightened, and so corrupt, that they cannot manage one third part of a legislature and their own purses by their representatives, how much worse would it be if they had the whole, and all the executive and judicial powers, to manage? But the assertion is not true. The consent and free election of the people has a great and decided effect in the English constitution, and would have had much more if it had been more equal: but if the present inequalities cannot be altered, nor a vote obtained to alter them in the house of commons, nor any general application of the people to have them altered, what would be the effect of the whole executive and judicial powers, were they in the hands of the house? The leading members would employ both these resources, not only to prevent the representation from being rendered more equal, but to make it still more unequal. Our author, alluding to the times of Charles and James, had some colour for representing the power of the commons as of little effect: but he saw that an attempt, or suspicion of one, to grasp all power into the hands of the crown, had proved the destruction both of king and lords; this, surely, was a real and great effect. If nations will entangle their constitutions with spiritual lords, and elective lords, and with decayed boroughs, how can it be avoided? But would not the nation send bishops and elective lords into a

single house as their deputies? and would not the utmost artifices of bigotry, superstition, and enthusiasm, be set at work among the people, as well as bribery and corruption at elections? If the people cannot be sufficiently enlightened, by education and the press, to despise and resent, as insults and impositions on human nature, all pretences of right drawn from uninterrupted successions or divine missions, they will be duped by them in one assembly more than in three. Our author has no more right to call his project "the people's form," any more than Montesquieu, Blackstone, and De Lolme, have to call their admired system by that endearing appellation: both are the people's form, if the people adopt, choose, and prefer them; and neither, if they do not. The people have liberty to make use of that reason and understanding God hath given them, in choosing governors, and providing for their safety in government, where they annually choose all; nay, they have even where the king and senate are hereditary, as long as they have the choice of an essential branch. No law can be made, no money raised, not one step can be taken, without their concurrence; nay, there is no one act can be done by the ministers of the executive, but the people, by their representatives, can enquire into, and prosecute to judgment and to punishment if it is wrong. Our author will not consider the case of a mixed government; all governments must be simple with him; the people must exercise all power, or none. He had his reasons for this artifice at that time, which do not exist at this: his reasons, however, were not sufficient; and if the nation had been dealt with more candidly, openly, and boldly, by him, and Milton, and others, a better settlement might have been obtained.



obtained. But it is plain that Milton, Nedham, and even Harrington, wrote in shackles; but had Nedham and Milton understood the science of government as well as Harrington, Charles had never been restored. Our author, instead of considering the project of two assemblies, as Harrington did, flies from the idea, and will allow no mixtures.

“In the other forms of a standing power, *all* authority being entailed on certain persons and families, in a course of inheritance, men are deprived of the use of their reason about choice of governors.” In mixed governments, even such as Sparta, Athens, Rome, Carthage, imperfect as those mixtures were, our author very well knew, that although some authority was entailed, all was not. In America none at all is entailed, or held for more than a term of years: their course, therefore, is not “destructive to the reason, common interest, and majesty of that noble creature called man,” and has avoided “that most irrational and brutish principle, fit only to be hissed out of the world, which has transformed men into beasts, and mortified mankind with misery through all generations.”

This violent declamation, however, does not remove the danger of venality, faction, sedition, and civil war, in the choice of governors and senators, principles more brutish and irrational, more fit to be hissed out of the world, than hereditary kings and senates—evils, indeed, if you will, but the least of the two. Hereditary senators, it is certain, have not been the advocates, abettors, or erectors, in general, of absolute monarchies; no such government ever was, or will be, erected or supported but against their wills. It is the people, who, wearied and irritated with the sollicitations,

tions, bribes, intrigues, and tyranny of the nobles, and their eternal squabbles with kings, have always set up monarchy, and fortified it with an army. Our author proceeds to search for examples all over the world; and fixes first upon monarchy, absolute hereditary monarchy: but as Americans have no thoughts of introducing this form of government, it is none of their concern to vindicate the honour of such kings or kingdoms. Two quarters of the globe, Asia and Africa, are governed wholly by despotisms. There are in Europe near two hundred simple monarchs, and in the course of the two last centuries, allowing 20 years to each reign, two thousand absolute princes\*. If these have been generally of such a character as our author describes, what are we to think of the pride and dignity of that rational, noble animal, man, who has submitted so quietly to their tyranny. Mr. Hume thinks more favourably of them; and he has the judgment of the species in his favour. The species, not having yet attended to the balance and tried its virtues, have almost universally determined monarchy preferable to aristocracies, or mixtures of monarchy and aristocracy; because they find the people have more liberty under the first than under the two last. They may possibly one day try the experiment of mixtures and balances: when they do, a greater improvement in society will take place than ever yet has happened. Nations too have tried the experiment of elective monarchies, in Bohemia, Poland, Hungary, Sweden, &c. instances which our author adduces: but after long miseries, wars, and carnage, they have always determined chance to be better than choice,

\* Hume's Essays, vol. i. p. 98.

and hereditary princes preferable to elective ones. These elections, it is true, have been made by nobles, and by very inadequate methods of collecting the votes of the people; and when elected, there has been no good balance between them and the nobles, nor between the nobles and the people. The Americans have hoped that these circumstances might be arranged so as to justify one more experiment of elective executives, as well as senates and representatives. They have not adopted our author's idea, that if any kingly form be tolerable, it must be that which is by election, chosen by the people's representatives. They were well aware, that "present greatness would give their  
"governors an opportunity to practise sleights,  
"such sleights, that in a short time the govern-  
"ment, that they received only for their own lives,  
"will become entailed upon their families;  
"whereby the election will be made of no effect  
"further than for fashion, to mock the poor peo-  
"ple, and adorn the triumphs of an aspiring  
"tyranny." An hereditary first magistrate at once would, perhaps, be preferable to elections by legislative representatives: it is impossible to say, until it is fairly tried, whether it would not be better than annual elections by the people; or whether elections for more years, or for life, would not be better still.

Our author concludes by a very curious definition of the people: "To take off all misconstruc-  
"tions, when we mention the people, observe all  
"along, that we do not mean the confused pro-  
"miscuous body of the people, nor any part of  
"the people who have forfeited their rights by  
"delinquency, neutrality, or apostacy, &c. in re-  
"lation to the divided state of any nation; for  
"they are not to be reckoned within the lists of

"the people." This wise precaution to exclude all royalists, prelatists, and malignants, according to the style of those times, was very sagacious: and all majorities will ever be equally penetrating in such a Right Constitution of a Commonwealth as our author contends for—the minority will seldom be accounted people.

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Arg.

The thirteenth reason is, "because in free states there are fewer opportunities of oppression and tyranny than in other forms."

This is very true, and most cordially admitted; but then the question occurs, What is a free state? In the aristocracy of Venice and Poland there are opportunities of oppression and tyranny; and although our author's Right Constitution of a Commonwealth has never been tried, the unanimous determination of all nations having been against it, and almost the universal voice of individuals; yet the instantaneous effects of it upon human nature are so obvious, that it is easy to foresee it would afford more opportunities for tyranny and oppression, and would multiply such opportunities more than aristocracy, or even monarchy; because the leaders of the majority in the house would be supported and stimulated by their parties continually to tyrannize and oppress the minority. The reason given by our author in support of his position is directly against it: "It is ever the case of free commonwealths to preserve not an equality, which were irrational and odious, but an equability of condition among all the members." Equality, it seems, was not his favourite: this would not do in England, to be sure, any more than America. What his distinction is between equality and equability is not known: he defines it, "that no man be permitted

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“ted to grow over great in power.” But how much is over great? this is reduced to no standard. “Nor any rank above the ordinary standard.” What is this? Excellencies, honourables, gentlemen, yeomen, and labourers, are really as distinct ranks, and confer as different degrees of consideration, respect, and influence, among a people who have no other distinctions, as dukes, marquisses, earls, and barons, in nations that have adopted these titles, and the higher are as eagerly coveted by the lower. But at last the secret comes out—“to assume the state and title of nobility.” The house of lords had been voted useless, and it was our author’s system to keep it down; without considering that the thing would still exist, call it by what name you will.

“Preserving the equability secures the people’s liberty from the reach of their own officers, in camp or council.” But no people ever yet were provident enough to preserve either equality or equability. Their eternal fault is too much gratitude to those who study their humours, flatter their passions, and become their favourites. They never know any bounds in their praises, honours, or rewards, to those who possess their confidence, and have excited their enthusiasm. The reputation of their idol becomes as complete a tyranny as can be erected among men: it is a crime that is not to be born, to speak a word, to betray a look, in opposition to him; nay, not to pronounce their most inflamed hyperboles in his praise, with as ardent a tone as theirs, is envy, disaffection, ambition. “Down with him! the Tarpeian rock!” as soon as Manlius dares to think a little higher of his own services, and a little lower of Camillus, than the fashion. Aristocracies are anxious and eager to prevent any one of the nobility

bility from overtopping the rest ; monarchies are jealous of any very great near the throne ; but an unmixed, unbalanced people, are never satisfied till they make their idol a tyrant. An equal mixture of monarchy, aristocracy, and democracy, is the only free government which has been able to manage the greatest heroes and statesmen, the greatest individuals and families, or combination of them, so as to keep them always obedient to the laws. A Marlborough, a Pulteney, or a Pitt, are here harmless beings : but in Rome a Marlborough would have been worse than Marius, Sylla, or Cæsar ; in Athens, worse than Themistocles, Pericles, or Alcibiades ; because, with all their ambition, he had more avarice, and less sense.

“ Not allowing any rank above the common  
 “ standard secures the people from the pressures  
 “ and ambition of such petty tyrants as would  
 “ usurp and claim a prerogative, power, and  
 “ greatness, above others, by birth and inheritance.” These expressions have all the keenness and bitterness of party rancour ; and although they were, at that time, no doubt, music to his friends, and death to his enemies, they are so difficult to avoid in such times, that on the one hand candid philosophy will extenuate their ferocity, but on the other political wisdom will forever be on its guard against their seductions.—  
 “ These,” that is a nobility, “ are a sort of men  
 “ not to be endured in any well-ordered commonwealth.” If these words are true, no well-ordered commonwealth ever existed ; for we read of none without a nobility, no, not one, that I can recollect, without an hereditary nobility—Sparta, Athens, Rome, Venice, Bern, Holland, even Geneva, and St. Marino, &c. where shall we look

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for one without? It would be an improvement in the affairs of society, probably, if the hereditary legal descent could be avoided; and this experiment the Americans have tried. But in this case a nobility must and will exist, though without the name, as really as in countries where it is hereditary; for the people, by their elections, will continue the government generally in the same families from generation to generation. Descent from certain parents, and inheritance of certain houses, lands, and other visible objects, will eternally have such an influence over the affections and imaginations of the people, as no arts or institutions of policy will controul. Time will come, if it is now or ever was otherwise, that these circumstances will have more influence over great numbers of minds than any consideration of virtues or talents; and whatever influences numbers, is of great moment in popular governments, and in all elections. "They always bear a natural and implacable hate towards the people." This is too strong and universal. The Romans observed certain families, as the Valerii, &c. who were constant friends and lovers of the people, as well as others, the Claudii, &c. who as constantly hated them. It has been before admitted, that such a body naturally encroaches both ways, on the people on one side, and on the king on the other. The people hate and envy them as much, and endeavour equally to encroach: but the same sentiments, passions, and enterprizes, take place between the democratical body and the aristocratical, where the last is not hereditary, but annually elective. Our author's next argument is still more grossly erroneous. "If any great man arrives at  
" so much power and confidence as to think of  
" usurping, these are the first that will set him on,  
" mingle

“ mingle interests with him, and become the  
 “ prime instruments in heaving them up into the  
 “ feat of tyranny.” It is true, that some few  
 individuals of a nobility may join such a man in  
 his conspiracy, in hopes of enjoying high stations  
 and great emoluments under him; but such an  
 usurpation was never set on foot by a body  
 of nobility: it has ever been the people who  
 have set up single despots, in opposition to the  
 body of the nobility; and it is the people who  
 have furnished the men and money to support  
 the standing army by which he is defended. If  
 any one example of the contrary is to be found,  
 it has escaped a diligent enquiry.

It is very unnecessary to produce “ examples, to  
 “ shew that states have lost their liberties by per-  
 “ mitting one or a few to be over great.” Every  
 monarchy, oligarchy, and aristocracy, is an in-  
 stance and a proof of it. The very notion of a  
 free people’s losing their liberties, implies the  
 setting up one or a few with too much power.  
 This will be readily admitted; but it is con-  
 tended, that the people in a simple democracy,  
 collectively or by representation, are necessarily  
 the most addicted to setting up individuals with  
 too much power. To say that it is their duty not  
 to do it; that their happiness forbids it; that  
 their interest is against it; that their liberty will  
 be ruined by it, is to exhort and to preach to be  
 sure. The clergy exhort and preach in favour of  
 religion and morality, and against prophaneness  
 and vice; but there are numbers, multitudes, we  
 find, who will not regard them; and laws, checks,  
 power, are the only security against these. The  
 thirty tyrants of Athens, Pisistratus, Hiero of  
 Syracuse, Dionysius and Agathocles of Sicily, are  
 very oddly introduced here, when every des-  
 potism,



potism, empire, monarchy, oligarchy, and aristocracy, that ever had a being, is as much to the purpose. *Melius* and *Manlius* are cited very improperly. The *Decemviri*, *Sylla*, *Cæsar*, are no more to the purpose than all tyrannies or absolute governments; all of which are proofs of the people's indiscretion, and constant disposition to set up idols, as much as they are of the danger of permitting individuals to be too powerful.

*Florence* and *Cosmus*, *Milan* and *Switzerland*, and *Holland* and the family of *Orange*, are all proofs against our author. There is not a stronger instance to be found than the house of *Orange*, which has been supported by the people, I mean the plebeians, against the aristocracy, and who in their course have sacrificed to their deified protectors, *Barnevelts*, *Grotius's*, and *De Witts's*, patriots that one need not scruple to compare to *Aristides's*, *Phocians*, and *Camillus's*; and, horrid as the sacrifice has been, one need not scruple to say, that all the liberty there has been in *Holland* for the common people, has been preserved by this alliance between the house of *Orange* and them, against the encroaching disposition of the aristocracy, as much as the liberties of *Sparta* were preserved by the oath of the kings and *Ephori*. It would, nevertheless, be an infinite improvement, if the power of the prince and common people were defined, limited, and made constitutional and legal.

The author's principle is excellent and eternal, "to keep any man, though he have deserved never so well by success or service, from being too great or popular;"—"it is indeed a notable means (and so esteemed by all free states) to keep and preserve a commonwealth from the rapes of usurpation."—

But

But the question between us still is, how it is to be done? In a simple aristocracy it is impossible; with all their pride, jealousy, and envy, some one, and some few of the nobles, obtain more influence than the rest, and would soon obtain all power, if ballots and rotations, and innumerable intricate contrivances, were not used to prevent it. In a simple democracy no ballots or rotations can prevent it; one single tyrant will rule the whole commonwealth at his pleasure, respecting forms and appearances a little at first, but presently throwing off all restraint. How can you prevent a man in such a government from being too popular? There can be nothing to prevent him from making himself as popular as his abilities, fortune, or birth, will enable him to be; nothing to prevent him from employing the whole executive and judicial power, nothing to prevent him from applying the public purse, to the augmentation of his own popularity and power: in short, nothing but the mixture we contend for can prevent it. The king and lords are interested to prevent any commoner from being too popular and powerful; the king and commons are interested to keep any lord from being too popular and powerful; and the lords and commons are interested to prevent the king from being too popular and powerful, and they always have the means. There is not a stronger argument against our author's form, nor in favour of the triple composition.

Four-  
teenth  
Arg.

The fourteenth and last reason is, "because in  
 " this form all powers are accountable for mis-  
 " demeanors in government, in regard of the  
 " nimble returns and periods of the people's  
 " election; by which means he that ere while  
 " was

“ was a governor, being reduced to the condition  
“ of a subject, lies open to the force of the laws,  
“ and may with ease be brought to punishment  
“ for his offence.”

In a free government, whose legislature consists of three independent branches, one of which has the whole executive, this is true. Every member of the two houses is as amenable to the laws as his poorest fellow-citizen: the king can do nothing but by ministers, who are accountable for every act they do or advise; and this responsibility is efficacious to protect the laws from being trampled on by any person or persons, however exalted in office, reputation, or popularity. But in our author's “ Right Constitution ” no member can be responsible to any but his constituents; and by means of the influence of the executive power and the offices it bestows, by means of perversions of the judicial power, and even of the public treasure, which his party will assist him in applying to his purpose, he will be able to procure a pardon among his constituents in a single city or borough, and a re-election; nay, he will be able to procure applause and rewards for that very criminal conduct which deserved punishment. There is no form of government, not even an absolute monarchy, where a minister will find it so easy to elude enquiry;—recollect the instance in Poland.

“ He that was once a governor, will generally  
“ continue always a governor, because he will apply  
“ all the executive and judicial authority, and even  
“ the public money, as well as his personal and family influence, to increase that party in the legislature,” i. e. the single assembly, upon whose support he depends.—By a governor here is no doubt intended a person appointed by the assembly to manage the executive power. Such a governor

vernor will generally be continued; but if he is not, he will be succeeded by another of the same party, who will screen and support him, while he again takes his station in the house, and supports or rules his successor. But if opposition prevails in the house and nation, and the minority becomes the majority, they will be so weak as not to dare to look back and punish; and if they do, this will again render them unpopular, and restore the reins to their antagonist: in this way, after a few vibrations of the pendulum, they must have recourse to arms to decide the contest. These consequences are so obvious and indisputable, that it is amazing to read the triumphant assertions which follow. "Such a course as this cuts  
 " the very throat of tyranny, and doth not only  
 " root it up when at full growth, but crusheth  
 " the cocatrice in the egg, destroys in the seed, in  
 " the principle, and in the very possibilities of its  
 " being, forever after."—"The safety of the people  
 " is," indeed, "the sovereign and supreme law!" and if "laws are dispensed by uncontrollable,  
 " unaccountable persons in power, they will never  
 " be interpreted but in their own sense, nor execut-  
 " ed but after their own wills and pleasure." But it is unaccountable that our author did not see that it is precisely in his Right Constitution of a Commonwealth that we are to expect such uncontrollable and unaccountable persons, at least as certainly as in a simple monarchy or aristocracy. The only "establishment" then, in which we may depend upon the responsibility of men in power, and upon their being actually called to account, and punished when they deserve it, is the tripartite balance, the political trinity in unity, trinity of legislative, and unity of executive power, which in politics is no mystery. This alone is "the im-  
 " pregnable



“pregnable bulwark of the people’s safety, because without it no certain benefit can be obtained by the ordinary laws.” This alone is “the bank against inundations of arbitrary power and tyranny.”

Our author asserts very truly, “that all standing powers” (meaning unlimited, unbalanced, standing powers, as hereditary simple monarchies and aristocracies) “have, and ever do assume unto themselves an arbitrary exercise of their own dictates at pleasure, and make it their only interest to settle themselves in an unaccountable state of dominion; so that, though they commit all the injustice in the world, their custom hath been still to persuade men, partly by strong pretence of argument, and partly by force, that they may do what they list; and that they are not bound to give an account of their actions to any but to God himself.”—This is perfectly true, and very important. But our author did not consider, that the leading men in a single popular assembly will make it their interest to settle themselves in a state of dominion; that they will persuade men, by strong pretence of argument, by force, by the temptations of offices, civil, military, fiscal, and ecclesiastical, and by the allurements and terrors of judgments in the executive courts of justice, to connive at them while they do what they list, and to believe them God’s vicegerents. Our author forgets, that he who makes bishops and judges, may have what gospel and law he pleases; and he who makes admirals and generals, may command their fleets and armies. He forgets that one overgrown Sagamore in the house, with his circle of subordinate chieftains, each with his clan at his heels, will make bishops, judges, admirals, generals, governors of provinces,

provinces, &c. in as great number, and with as much facility, as an absolute monarch. This inadvertence in our author is the more remarkable for what follows. "This doctrine of tyranny hath taken the deeper root in men's minds, because the greatest part (i. e. the greatest part of mankind) was ever inclined to adore the golden idol of tyranny in every form; by which means the rabble of mankind being prejudicated in this particular, and having placed their corrupt humour or interest in base fawning, and the favour of the present great ones, therefore, if any resolute spirit happen to broach and maintain true principles of freedom, or do at any time arise to so much courage as to perform a noble act of justice, in calling tyrants to an account, presently he draws all the enmity and fury of the world about him." It is really astonishing that any man could write these words, and not see that they totally overthrow the whole system of government that he calls the Right Constitution of a Commonwealth. "The greatest part of men was ever inclined to adore the golden idol;" yet his Constitution places the golden idol in the midst of the people, without any check or restraint, that they may fall down and worship as soon as they will. He places all power in the hands of that very "rabble of mankind," who have "prejudicated in favour of tyranny:" he places "great ones" in the midst of these, who "have placed their corrupt humour and interest in base fawning, and the favour of those present great ones." Human nature is not honoured by this account of it, nor has it justice done it. Without supposing the majority so bad, if we suppose one third or one quarter of this character, and another third or quarter indifferent, neutral, lukewarm,

warm, or even enough in love with private life and their own industry to stay at home at elections, this is enough to demonstrate the tyranny and ruin to which such a simple democracy would rush. But our author's device for extricating himself out of this difficulty is more curious still. Although the greatest part of men always incline to worship the golden calf Tyranny, yet "in commonwealths it is, and ought to be, otherwise. "The Greeks and Romans were wont to heap all "the honours they could invent, by public rewards, consecration of statues, and crowns of "laurel, upon such worthy patriots as had the "courage to call tyrants to account." Here he can only mean the stories of Harmodius and Aristogiton, Brutus and Cassius; so that all the security which freedom is to have is, that as soon as a great one arises in his assembly, and the majority begin to fawn, some Harmodius or Cassius will arise to assassinate him. But we know that the murder of Hipparchus only inflamed Hippias, and that of Cæsar entailed the empire in his family, and the murder of Alexander by Lorenzo completed the despotism of the Medici. The ill success of liberty, in those instances, ought to be a warning against such attempts in future, rather than precedents on which to build all the hopes of the cause of liberty. The right of a nation to kill a tyrant, in cases of necessity, can no more be doubted, than that to hang a robber, or kill a flea: but killing one tyrant only makes way for a worse, unless the people have sense, spirit, and honesty enough to establish and support a constitution guarded at all points against tyranny; against the tyranny of the one, the few, and the many. Let it be the study, therefore, of lawgivers and philosophers, to enlighten the people's

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understandings, and improve their morals, by good and general education; to enable them to comprehend the scheme of government, and to know upon what points their liberties depend; to dissipate those vulgar prejudices and popular superstitions that oppose themselves to good government; and to teach them that obedience to the laws is as indispensable in them as in lords and kings.

Our author contends, "that the honours decreed to tyrannicides by the Greeks and Romans, were bestowed out of a noble sense of commonwealth interest; knowing that the life of liberty consists in a strict hand and zeal against tyrants and tyranny:" but he should have recollected, that in Rome these honours were decreed to senators, for supporting the standing authority of an hereditary senate against single men who aspired to popular favour, but never in any instance in support of such a government as he contends for. In Greece too, there is no instance of any honours decreed for destroying tyrants, in defence of any such government. The government of Athens was as different as possible from that of a single assembly of successive representatives of the people. It is agreed that "persons in power cannot be kept from all occasions of tyranny better than by leaving them liable to account;" but it is denied that persons in power can ever be brought to account, unless by assassination (which is no account at all) in a government by a single sovereign assembly: and it is asserted that this "happiness was never seen yet under the sun, by any law or custom established, save only in those states where all men are brought to taste of subjection as well as rule," ἀρχαὶ καὶ ἀρχεσθαι, by a government of three branches, reciprocally dependent on each other.



“ In Switzerland the people are free indeed, because all officers and governors in the cantons are questionable by the people in their successive assemblies.” What does he mean? in the aristocratical assemblies? The people have no assemblies, and officers are called to account only in standing councils. In the democratical cantons there is nothing to account for but milk and cheese. But why should England be forgotten, where all officers are questionable, and often have been questioned, by the people in their successive assemblies; and where the judicature in parliament is digested with infinitely more prudence than in any canton, in Switzerland, or any other republic in the world?

It is agreed that “ freedom is to be preserved no other way in a commonwealth, but by keeping officers and governors in an accountable state;” but it is insisted, that all “ standing powers” in the English constitution, as the lords and ministers, who conduct the prerogative of the crown, may at any time be called to account without the least “ difficulty, or involving the nation in blood and misery.” But it is denied that powerful men, in our author’s “ Right Constitution,” can be called to account, without the utmost difficulty and danger of involving the nation in blood and misery; and therefore it is concluded, that the English constitution is infinitely preferable to any succession of the single supreme assemblies of the representatives of the people.

Our author having established his building upon fourteen solid pillars, as he seems to think, proceeds to answer objections.—The first objection is, “ that such a government would set on levelling and confusion.” By levelling, he understands “ le-

Obf. on the first objection and answer.

“velling all men in point of estates;”—“making  
 “all things common to all;”—“destroying pro-  
 “perty;”—“introducing a community of enjoy-  
 “ments among men.” This he allows to be “an  
 “odious thing, a scandal fastened by the cunning of  
 “the common enemy upon this kind of government,  
 “which they hate above all others.” We are not  
 then put to the trouble of examining the whims-  
 ies of Plato or Xenophon, about a community of  
 goods, wives, and children; nor those of Sir  
 Thomas More, about a community of property  
 only. He asserts, that his project is “so far from  
 “introducing a community, that it is the only  
 “preservative of property in every particular.”  
 It is agreed that it would not introduce levelling,  
 nor a community of goods, unless the poor should  
 be more numerous than the rich, and rise for a  
 division. But even this would produce but a  
 temporary level; the new acquisitions would soon  
 be spent, and the inequality become as great as  
 ever; and there must be a perpetual succession of  
 divisions and squanderings, until property became  
 too precarious to be sought, and universal idle-  
 ness and famine would end it. But the penny-  
 less, though more numerous, would probably never  
 unite; and the principals of the majority would  
 make use of the most artful among them in strip-  
 ping, by degrees, the minority, and accumulating  
 for themselves: so that instead of levelling, and  
 community of goods, the inequalities both of  
 power and property would be constantly increas-  
 ing, until they became as great as in Poland be-  
 tween the gentlemen and peasants. But it is de-  
 nied that this would be a preservative of property;  
 on the contrary, property must become insecure.  
 The ruling party, disposing of all offices, and  
 annexing what salaries and fees they will; laying

on

on all taxes, and distributing them according to their ideas of justice and equality; appropriating the public money to what uses they will, and deciding all causes in the courts of justice by their own judgments: in all these ways, themselves and their partisans will be found continually growing in wealth, and their antagonists, the minor party, growing poorer; these last can have no security of property at all. This will not be prevented nor alleviated by those handsome words of our author: "It is not in reason to be imagined, that so  
"choice a body as the representatives of a na-  
"tion, should agree to destroy one another in  
"their several rights and interests." A majority would be found to agree to destroy the rights and interests of the minority; and a man's property is equally insecure, whether it is plundered by an arbitrary lawless minority, or by a domineering decemvirate, triumvirate, or single despot. "All de-  
"terminations being carried by common consent,  
"every man's particular interest must needs be  
"fairly provided for against the arbitrary dispo-  
"sitions of others." If common consent means unanimous consent, there might be some plausibility in this: but, as unanimity is impossible, and common consent means the vote of the majority, it is self-evident that the latter are at the mercy of the former; and the government of the latter being unbalanced by any equal force, interest, passion, or power, is as real a tyranny as the sovereignty of an hereditary senate, or thirty tyrants, or a single despot. Our author himself confesses this in so many words, when he says, that whatever "placeth every man's right under the will of  
"another is no less than tyranny," — "seating  
"itself in an unlimited, uncontrollable preroga-  
"tive over others, without their consent," and

"is the very bane of property." Is not the property, liberty, and life of every man in the minority under the will of the majority? and may not the majority seat themselves in an unlimited, uncontrollable prerogative over the minority, without their consent?

Our author then runs all over the world in search of examples, and affirms, that "a free state, "or successive government of the people," &c. expressions which he always explains to mean his Right Constitution of a Commonwealth, "or supreme representative assembly," the same with Mr. Turgot's, all authority collected into one centre, the nation, "is the only preservative of "property, as appears by instances all the world "over." This is a species of sophistry, grossly calculated to deceive the most ignorant of the people, that is unworthy of so great and good a cause as that of liberty and republican government. This assertion is so wide from the truth, that there was not in the world, nor had been, one example of such a government, excepting the long parliament; for the Italian republics, which resembled it the most, were still better constituted. We know what became of the long parliament; Oliver soon found they were self-seekers, and turned them out of the house.

The reader is next led on, through a series of examples, in a very curious strain of popular rant, to shew that monarchies, and all standing powers, have been levellers. "Under monarchs, subjects had "nothing that they could call their own; neither "lives, nor fortunes, nor wives, nor any thing "else that the monarch pleased to command, because the poor people knew no remedy against "the levelling will of an unbounded sovereignty." — "In France," it is asserted, "the people have  
"no



“no property, but all depends on the royal pleasure, as it did lately in England.” The truth now almost breaks out, and he almost confesses that he sees it. “It is very observable, that in kingdoms, where the people have enjoyed any thing of liberty and property, they have been such kingdoms only, where the frame of government hath been so well tempered, as that the best share of it hath been retained in the people’s hands.” If he had said an equal share, instead of the best share, this sentence would have been perfect; but he spoils it in the next breath, by adding, “and by how much the greater influence the people have had therein, so much the more sure and certain they have been in the enjoyment of their property.” This is by no means true; on the contrary, wherever the people have had any share in the executive, or more than one third part of the legislative, they have always abused it, and rendered property insecure.

The Arragonians are quoted as “firm in their liberties and properties, so long as they held their hold over their kings in their supreme assemblies.” “And no sooner had Philip the second deprived them of their share in the government, but themselves and their properties became a prey to the will and pleasure of their kings.” It is astonishing that Arragon should be quoted as an example of a government of the people in their supreme successive assemblies. If it is to be called a republic, it was such another as Poland; it was what is sometimes called a mixed monarchy, and sometimes a limited monarchy: but as no judgment of a government can be formed by the name that is given it, we may safely pronounce it an aristocracy. Much pains were taken to balance it, but so awkwardly

and unskillfully, that its whole history is a scene of turbulence, anarchy, and civil war. The king was, among the twelve rich men, little more than *primus inter pares*, like the king among his twelve archons in Phæacia. Although the royal dignity was hereditary, and Arragon was never an elective kingdom, yet the confirmation of the states to the title of the next heir was held necessary; and it was highly resented if he assumed the royal title, or did any public act, before he had taken an oath to preserve the privileges of the states. When any dispute arose concerning the succession, the states took upon them to decide it. One awkward attempt to balance the influence of the king was the institution of a chief justice\*, to whom appeals might be made from the king. This judicial authority was impowered to controul the king if he acted illegally; and this high officer was accountable only to the states for whatever he did in the execution of his office. This was a very powerful check. Another attempt to form a balance against the royal authority has been celebrated as one of the most sublime and sentimental instructions of liberty. If it had been an institution of the body of the people, it would have been the most manly and noble assertion of the rights and natural and moral equality of mankind to be found in history, and would have merited immortal praise; but, in fact and effect, it was no more than a brilliant expression of that aristocratical pride which we have seen to be so common in all the nations of the earth. At the inauguration of the monarch, the chief justice was seated in his robes, on an elevated tribunal, with his head covered: the king appeared before him bare-headed, fell down upon his knees, and

\* *El justicia de Arragon.*

swore to govern according to law, and to maintain the privileges of the states. Proclamation was then made, in the name of the assembly of the states—"We, who are as good as you are, have "accepted you for our king and lord, upon condition that you observe our laws, and protect "our liberties \*." But who were these noble assertors of rights? Not the people. And whose liberties were asserted? Not those of the people, but of a few gentlemen. The men of property, who in general had acquired their estates by their swords, were called rich men †, or barons; for whatever titles were afterwards introduced by the grants of kings, the right to seats and votes in the states arose not from the rank or dignities of dukes, marquisses, or counts, but was attached to the quality of landholders, rich men, or barons. There were not more than twelve old families who were the original barons, or ricos hombres, of Arragon. In a course of time they were distinguished into the greater and lesser nobility: the former were such as were raised by the kings to superior titles; the latter were those who retained only their ancient character of landholders. The clergy were represented in the states by the prelates, and the great cities by deputies; but the farmers, the mechanics, the merchants, in one word the common people, were, according to the doctrine of Aristotle, not admitted to the rank or rights of citizens: they had no seat in the states, or any vote in the choice of those who had. The third estate, as it was called, or the representatives of cities, was very unskilfully composed: in some cities the mayor of course represented the city;

\* Nos que valemos tanto como vos os hazemos nuestro rey y seignor con tal que guardeis nuestros fueros y libertades, si no, no.

† Los ricos hombres.

in others the king appointed the representative; in others it was either by some grant of the king, or some senseless custom of the city, an hereditary right in a single family; and the best appointments of all were made by the aristocratical regencies of the cities. In such an assembly of the states laws were made for the government of the nation; but it was a single assembly, and neither estate had a negative. If two estates agreed, it was a law; and, indeed, the most important questions, even donations of money, were decided by a majority, and the chief justice was the only balance against the oppression of any subject, or even of the king, and the only guardian of the laws, to see them carried into execution. The rich men and the clergy, as well as the king, were such standing powers as always excite our author's invectives; and the third estate was as distant as possible from being an adequate and equitable representative of the people, annually elected. The clergy became generally humble servants of the king, and the deputies of cities were often corrupted; so that the contest was chiefly between the crown and the nobles. In progress of time, by gaining over more and more the prelates and deputies of the cities to the interest of the crown, it became an overmatch for the nobility, and made itself absolute. This example, therefore, is as ill-chosen as all the others, and instead of supporting our author's argument, is decisive against it.

France is the next example, where, "as long  
 " as the people's interest bore sway in their su-  
 " preme assemblies, they could call their lives  
 " and fortunes their own, and no longer: for all  
 " that have succeeded since Louis the Eleventh,  
 " followed his levelling pattern so far, that in a  
 " short time they destroyed the people's property,  
 " and became the greatest levellers in Christen-  
 " dom."



“dom.”—It would take up too much time to give in this place a sketch of the history of France, to show in detail how inapplicable this example is to the purpose of our author. Those who have leisure and curiosity, may consult Boulainvilliers, the Abbé de Mably, and Monsieur Moreau; and many most beautiful reflections may be found in Lord Bolingbroke’s *Dissertation on Parties*, Letters xiii. xiv. xv. xvi. It is sufficient here to say, that the states-general were composed of nobles, clergy, and a third estate, all meeting in one assembly; that the third estate consisted of representatives of cities not chosen by the people, but appointed at least by the aristocratical regencies; that in some places the mayor, in others some particular family, held it as an hereditary right: but nothing can be conceived more unlike our author’s idea of the people’s successive sovereign assemblies than these states-general. The constitution in those times was an unskilful attempt to reconcile an ill-compounded aristocracy with simple monarchy; but the states-general conducted like all other single assemblies, till they were laid aside.

England comes next, where, “as long as the  
“people’s interest was preserved by frequent and  
“successive parliaments, so long we were in some  
“measure secure of our properties; but as the  
“kings began to worm the people out of their  
“share in government, by discontinuing of par-  
“liaments, so they carried on their levelling de-  
“signs to the destroying of our properties; and  
“the oracles of law and gospel at last spoke it  
“out with a good levelling grace, ‘that all was  
“the king’s, and that we had nothing we might  
“call our own.’”

There is at least wit and burlesque humour in thus ascribing levellism to monarchy; and while it  
is

is considered only as rodomontade, there is no objection to it. Nor is there any thing to say against confounding levellism with insecurity of property; for though the ideas are distinct, the things must always exist together.—From monarchy he proceeds to other standing powers, which have all produced errant levellers. “In Athens, as long as the people kept free, indeed, in an enjoyment of their successive assemblies, so long they were secure in their properties.” But Athens never was free, according to our author’s plan of successive assemblies. Athens never had assemblies of representatives. The collective assemblies of the people were made sovereigns, in all cases whatsoever, by Solon: but they never practised it till Aristides began, and Pericles completed, the plan; and as soon as it existed, it began to render property, liberty, and life, insecure. Yet the ordinary administration was never conducted in these assemblies; the senate and the Areopagus, and the ten other courts, conducted them: yet with all these checks, ask Demosthenes and Phocion, and Miltiades and Aristides, how the sovereign people behaved.—“After kings were laid aside, they erected another form of standing power in a single person, called a governor (archon), for life, who was accountable for misdemeanors: and yet a trial being made of nine of them, the people saw so little security by them, that they pitched upon another standing form of decimal government; and being oppressed by them too, they were cashiered. The like miseries they tasted under the standing power of thirty, which were a sort of levellers more rank than all the rest, who put to death, banished, pill’d, and poll’d whom they pleased, without cause or exception; so that the poor people,

“ people, having been tormented under all the  
“ forms of standing power, were in the end forced,  
“ as their last remedy, to take sanctuary, under the  
“ form of a free state, in their successive assem-  
“ blies.” It is droll enough thus to turn the strain  
of popular banter upon the royalists, by charging  
kings, perpetual archons, annual archons, the ten  
archons, the thirty tyrants, &c. as levellers. It was  
the levelling spirit of the nobles, to be sure, that  
abolished kings and single archons, and set up  
ten: but the poor people had no hand in it but  
as passive instruments. As to the people’s taking  
sanctuary under the form of a free state, in their  
successive assemblies, they never did it: they ne-  
ver set up any such government. They did assume  
the sovereignty, it is true; but Pericles led them  
to it, only that he might govern them, and he, and  
successive, unprincipled wretches after him, did  
govern till the commonwealth was ruined. But  
there was as much levelling at least, indeed much  
more, under Themistocles, Pericles, and Alcibia-  
des, as under kings or archons.

Our author’s conscience was always uppermost.  
He always betrays something which shews that he  
knew very well what the truth was. He judges  
very rightly here: “ And though it may be ob-  
“ jected,” says he, “ that afterwards they fell into  
“ many divisions and miseries, even in that form,  
“ yet whoever observes the story shall find, it was  
“ not the fault of the government, but of them-  
“ selves, in swerving from the rules of a free state,  
“ by permitting the continuance of power in par-  
“ ticular hands; who having an opportunity there-  
“ by to create parties of their own among the  
“ people, did for their own ends inveigle, engage,  
“ and entangle them in popular tumults and di-  
“ visions. This was the true reason of their mis-  
“ carriages;

“carriages; and, if ever any government of the people did miscarry, it was upon that account.” It is plain from this passage, that our author was well read, and judged very well upon these subjects. He knew how it was; but he has not candidly told us what he knew. That they fell into divisions and miseries he owns; but denies that it was the fault of the government—it was the fault of themselves. Is it not the fault of themselves under all governments, despotisms, monarchies, aristocracies, oligarchies, as well as democracies? Was it not the fault of themselves under their kings, their perpetual archons, their archons for life, their ten archons, as well as under the Pisistratidæ, that they were tormented with divisions and miseries? The law of nature would be sufficient for the government of men, if they would consult their reason, and obey their consciences. It is not the fault of the law of nature, but of themselves, that it is not obeyed; it is not the fault of the law of nature that men are obliged to have recourse to civil government at all, but of themselves; it is not the fault of the ten commandments, but of themselves, that Jews or Christians are ever known to steal, murder, covet, or blaspheme: but the legislator who should say, the law of nature is enough, if you don’t obey it it will be your own fault, therefore no other government is necessary, would be thought to trifle. We certainly know, from the known constitution of the human mind and heart, and from uniform experience, that the law of nature, the decalogue, and all the civil laws, will be violated, if men’s passions are not restrained; and therefore to presume that an unmixed democratical government will preserve the laws, is as mad as to presume that a king or senate will do it. If a king or senate don’t observe the laws,



laws, we may say it is not the fault of the government, but of themselves.—What then? We know that themselves will commit the fault, and so will a simple democracy, and therefore it is in all these cases the fault of the government as well as of themselves. The government should be so constituted, that themselves cannot commit the fault. Swerving from rules is no more the fault of standing kings and senates, than it is of standing or successive popular assemblies. Of the three, the last have the strongest disposition to swerve, and always do swerve the soonest when unbalanced. But the fault of permitting the continuance of power in particular hands, is incurable in the people, when they have the power. The people think you a fool, when you advise them to reject the man you acknowledge to be the ablest, wisest, and best, and whom you and they know they love best, and appoint another, who is but second in their confidence. They ever did, and ever will continue him, nay, and augment his power; for their love of him, like all their other passions, never stands still; it constantly grows, until it exceeds all bounds. These continual re-elections, this continuance of power in particular men, “gives them an opportunity to create parties of their own among the people, and for their own ends to inveigle, engage, and entangle them in popular tumults and divisions.” Let me now ask Marchamont Nedham, or any advocate for his system, Do you believe that the people, unbalanced, ever will avoid to confer a continuance of power on their favourites? Do you believe they ever did in any age or country? The answer must be in the negative. Do you believe it possible, from the constitution of human nature, that they ever will, any more than that they will universally obey the law of nature  
and

and the ten commandments? The answer must be in the negative. Why then is the world any longer amused with a speculative phantom, that all enlightened men knew never did, and never can, exist? My hand is impatient of the pen, and longs to throw it down, while I am labouring through a series of popular sophisms, which disgraces a work which abounds with sense and learning, with excellent principles, maxims, and rules of government, miserably perverted to answer a present purpose, to run down one party, and support another: but as this book is known in America, and ought to be perused by Englishmen, in whatever part of the globe, as a valuable monument of the early period in which the true principles of liberty began to be adopted and avowed in the nation, I shall pursue the subject to the end.—Lacedæmon is next introduced as an instance of levellism.

“ After they had tried the government of one  
 “ king, then of two, afterwards came in the Epho-  
 “ ri, as supervisors of their kings. After they had  
 “ tried themselves through all the forms of a stand-  
 “ ing power, and found them all to be levellers of  
 “ the people’s interest and property, then necessity  
 “ taught them to seek shelter in a *free state, under*  
 “ *which they lived happily*, till, by the error of the  
 “ Athenians, they were drawn into parties by pow-  
 “ erful persons, and so made the instruments of  
 “ division among themselves, for the bringing of  
 “ new *levellers* into play, such as Manchanidas  
 “ and Nabis.”—The Ephori were supervisors of  
 the senate, rather than of kings. They swore, both  
 for themselves and the people, to support the kings  
 for ever against the enterprizes of the senate. But  
 when did the Lacedæmonians take shelter in a free  
 state? Never, according to our author’s definition  
 of a free state, until the Ephori murdered the king,

instead

instead of supporting him according to their oath, and until the people set up Manichæides and Nobis. And it is always thus: the first thing a people, broke loose from all restraints of their power, do, is to look out for a chief, whom they instantly make a despot in substance, and very soon in form. The government of Sparta was as different from a free state, during the six or seven centuries that Lycurgus's institution lasted, as the English constitution is, and much more: the people had not half the weight in it. Standing powers, both of king and senate, stood like Mount Atlas while the republic existed, and when the free state succeeded, it was the tyranny of Manichæides and Nobis, not better than that of Nero. It is droll enough to call the Spartans levellers, to be sure; they who supported an haughty aristocracy at home, and in every other city of Greece where they could negotiate. When the institution of Lycurgus was worn out, and the people began to gain in power, they used it as the Athenians and all others have done when unbalanced; they set up idols, continued and increased their power, were drawn into parties and divisions, and made themselves instruments of division, until despotism became inevitable.

Rome in her turn comes round. "After the  
" standing form of kings was extinct, and a new  
" one established, the people found as little safety  
" and property as ever." Here the fact is truly  
stated, and the expressions are very just, "for  
" the standing senate and the decemviri proved  
" as great levellers as kings." It is burlesque  
again to call the senate and decemviri levellers:  
they were the very antithesis. But if by levellers  
he means arbitrary men, it is very true. "So that  
" they were forced to settle the government of the  
D d " people

“ people by a due and orderly succession of their  
 “ supreme assemblies.” I wonder when. To  
 quote Athens, Sparta, and Rome, as examples of  
 a government of one sovereign representative as-  
 sembly, is dishonest: nothing can be further from  
 the purpose. The standing power of the senate  
 existed from Romulus to Cæsar, as our author very  
 well knew, and the people never obtained even an  
 effectual check, so far from settling the govern-  
 ment of the people by a due and orderly succession  
 of their supreme assemblies. If “ they ever reco-  
 “ vered their property, in having somewhat they  
 “ might call their own,” they owed the blessing  
 to the senate’s wisdom and equity, for the people  
 were so far from being sovereign in their successive  
 assemblies, that they had not an equal share of  
 power with the senate, allowing for all the assist-  
 ance they derived from the tribunes. But as soon  
 as they began to arrogate a superior power, or even  
 an equal share, they began to run into “ the error  
 “ of Lacedæmonians, Athenians,” and all other  
 people that ever lived, “ swerving from the rules  
 “ of a free state,” or, in other words, trampling on  
 the laws, “ lengthening of powers in particular  
 “ hands,”—“ drawn and divided into parties,”—  
 “ to serve the lusts of such powerful men as by  
 “ craft became their leaders; so that by this means,  
 “ through their own default, they were deprived  
 “ of their liberty long before the days of imperial  
 “ tyranny. Thus Cinna, Sylla, Marius, and the  
 “ rest of that succeeding gang, down to Cæsar,  
 “ used the people’s favour to obtain a continuation  
 “ of power in their own hands; and then having  
 “ faddled the people with a new standing form of  
 “ their own, they immediately rooted up the peo-  
 “ ple’s liberty and property by arbitrary sentences  
 “ of death, proscriptions, fines, and confiscations;

“ which



“ which strain of *levelling* (more intolerable than  
 “ the former) was maintained by the same arts of  
 “ devilish policy down to Cæsar, who striking in  
 “ a favourite of the people, and making use of  
 “ their affections to lengthen power in his own  
 “ hands, at length, by this error of the people,  
 “ gained opportunity to introduce a new levelling  
 “ form of standing power in himself, to an utter  
 “ and irrecoverable ruin of the Roman liberty and  
 “ property.”—Thus it is that our author accumu-  
 lates examples from history, which are demonstra-  
 tions against his own system, and in favour of the  
 English and American constitutions. A good En-  
 glishman, or a good American, with the most di-  
 ligent search, could not find facts more precisely in  
 vindication of those balances to the power of the  
 people, a senate, and an executive first magistrate.  
 Nothing else can ever prevent the people from run-  
 ning into the same error, and departing from  
 the rules of a free state, and even the fundamen-  
 tal laws.

Florence is again introduced to the same pur-  
 pose, and with the same success; so is Pisa; so  
 is Mantua, and its sons Passerimo and Gonzaga.  
 You have already seen enough of these Italian re-  
 publicks to convince you that every page in their  
 history is against our author's system. His con-  
 clusion is exactly the reverse of what it should  
 be. It should be, that a commonwealth, by the  
 people in their successive assemblies, hath never,  
 in any age, been a preservation of liberty or pro-  
 perty, or any remedy against usurpations of stand-  
 ing powers, but had, in all ages, been, in his own  
 sense, *levellers* of all things to the will of a stand-  
 ing despot.

The next chapter is intitled, "The Original of all just Power is in the People."—This book is valuable, as it is so ancient a monument of liberty and political knowledge in England. Many of its principles were at that time extremely rare in the world, excepting in England: they have been since enlarged on, with great success, by Sidney, Locke, Hoadley, Montesquieu, Rousseau, Raynall, de Mably, Price, Priestley, Beccaria, and many others of various nations, and are now becoming universal. It is unnecessary to abridge this chapter; because, although it contains the hints on which succeeding writers have enlarged, their discourses are more ample and more satisfactory.

**First  
Error.**

"The first error in ancient Christian policy, which hath indeed been a main foundation of tyranny, is that corrupt division of a state into ecclesiastical and civil." Our author enlarges upon this error, and his speculations are worth reading; but as this is not likely to be the error of America, I shall leave this to be read when such danger approaches.

**Second  
Error.**

"The second error is very frequent under all forms of government. It is this; that care hath not been taken, upon all occasions of alteration, to prevent the passage of tyranny out of one form into another, in all the nations of the world. The interest of absolute monarchy, and its inconveniences, have been visible and fatal under the other forms, and given undeniable proof of this maxim by experience, in all times, *that the interest of monarchy may reside in the hands of many as well as of a single person.*" The interest of absolute monarchy he defines to be, "an unlimited, uncontrollable, unaccountable station of power"

“ power and authority in the hands of a particular  
“ person, who governs only according to the dic-  
“ tates of his own will and pleasure; and though  
“ it hath often been disguised by sophisters in po-  
“ licy, so as it hath lost its own name by shifting  
“ forms, yet the thing itself has been discovered  
“ under the artificial covers of every form, in the  
“ various revolutions of government. In Athens,  
“ when they had laid aside their king, the kingly  
“ power was retained still in all the after-turns of  
“ government; for their decimal governors, and  
“ their thirty tyrants, were but a multiplied mo-  
“ narchy, the people being in a worse condition  
“ than before; for their kings had supervisors,  
“ and senatic assemblies, that did restrain and cor-  
“ rect them; but the governors having none, ran  
“ into all the heats, and fits, and wild extrava-  
“ gancies, of an unbounded prerogative. Necess-  
“ sity and extremity opening the people’s eyes,  
“ they at length saw all the inconveniences of  
“ kingship wrapt up in new forms, and rather in-  
“ creased than diminished; so that, as the only  
“ remedy, they dislodged the power out of those  
“ hands, putting it into their own, and placing  
“ it in a constant orderly revolution of persons  
“ elective by the community. And now, one  
“ would have thought there was no shelter for a  
“ monarchal interest, under a popular form too:  
“ but, alas! they found the contrary; for *the*  
“ *people not keeping a strict watch over themselves,*  
“ *according to the rules of a free state,* but being  
“ *won by specious pretences, and deluded by created*  
“ *necessities,* to intrust the management of affairs  
“ into some particular hands, such an occasion was  
“ given thereby to those men to frame parties of  
“ their own, that by this means they in a short  
“ time became able to do what they list without  
“ the

“the people’s consent; and, in the end, not only discontinued, but utterly extirpated, their successive assemblies.”—I have given this at length, in our author’s own words, because it is an exact compendium of the whole history of Athens, and shews that he had read it attentively, and understood it perfectly well; and because it is a complete refutation of his own system, his Right Constitution of a Commonwealth. Absolute monarchy, unlimited power, in a particular person, who governed by his own will, run through all the history and changes in Athens, according to his own account, even when the people had placed the supreme power in an orderly revolution of persons elective by themselves. Why? “Because the people did not keep a watch over themselves.” Did any other people keep a strict watch over themselves? Will any people ever keep a strict watch over themselves. No, surely. Is not this, then, a sufficient reason for instituting a senate to keep a strict watch over them? Is not this a sufficient reason for separating the whole executive power from them, which they know will and must corrupt them, throw them off their guard, and render it impossible to keep a strict watch over themselves? “They did not observe the rules of a free state.” Did any people, that ever attempted to exercise unlimited power, observe the rules of a free state? Is it possible they should, any more than obey, without sin, the law of nature and nature’s God? When we find one of these sorts of obedience, we may expect the other. If this writer had been one of the enthusiasts of that day, and told the people they must pray to God for his omnipotent grace to be poured out upon them, distinguish them from all the rest of mankind as his favourite people, more even than the  
Jews



Jews were, that they might be enabled to observe the rules of a free state, though all history and experience, even that of the Hebrews themselves, and the constitution of human nature, proved it impossible without a miracle; or if he had told them that they were a chosen people, different from all other men, numbers would have believed him, and been disappointed: for it is impious presumption to suppose that Providence will thus distinguish any nation; but it would have been more sensible than thus to acknowledge in effect, as he does repeatedly, the impracticability of his scheme, and still insist upon it. "The people were won by specious pretences, and deluded by created necessities, to intrust the management of affairs into some particular hands." And will not the people always be won by specious pretences, when they are unchecked? Is any people more sagacious or sensible than the Athenians, those ten thousand citizens, who had four hundred thousand slaves to maintain them at leisure to study? Will not a few capital characters in a single assembly always have the power to excite a war, and thus create a necessity of commanders? Has not a general a party of course? Are not all his officers and men at his devotion, so long as to acquire habits of it? When a general saves a nation from destruction, as the people think, and brings home triumph, peace, glory, and prosperity to his country, is there not an affection, veneration, gratitude, admiration, and adoration of him, that no people can resist? It is want of patriotism not to adore him—it is enmity to liberty—it is treason. His judgment, which is his will, becomes the only law: reason will allay a hurricane as soon; and if the executive and judicial power are in the people, they at once give

him both, in substance at first, and not long afterwards in form. The representatives lose all authority before him: if they disoblige him, they are left out by their constituents at the next election, and one of his idolators is chosen.

“ In Rome, also, the case was the same, under  
 “ every alteration; and all occasioned by the  
 “ crafty contrivances of grandizing parties, and  
 “ the people’s own frailty and negligence in suffering themselves to be deluded: for with the  
 “ Tarquins (as it is observed by Livy and others)  
 “ only the name king was expelled, but not the  
 “ thing; the power and interest of kingship was still  
 “ retained in the senate, and engrossed by the consuls: for besides the rape of Lucretia, among  
 “ the other faults objected against Tarquin, this  
 “ was most considerable, that he had acted all  
 “ things after his own head, and discontinued  
 “ consultations with the senate, which was the  
 “ very height of arbitrary power; but yet as soon  
 “ as the senate was in the saddle, they forgot what  
 “ was charged by themselves upon Tarquin, and  
 “ ran into the same error, by establishing an arbitrary, hereditary, unaccountable power in themselves and their posterity, not admitting the  
 “ people (whose interest and liberty they had  
 “ pleaded) into any share in consultation or government, as they ought to have done, by a  
 “ present erecting of their successive assemblies:  
 “ so that you see the same kingly interest, which  
 “ was in one before, resided then in the hands of  
 “ many. Nor is it my observation only, but  
 “ pointed out by Livy, in his second book, and in  
 “ many other places, ‘ Cum à patribus, non consules sed carnifices, &c.’ when the senators strove  
 “ to create, not consuls, but executioners and tormentors, to vex and tear the people, &c. And  
 “ in

“ in another place of the same book, ‘ Consules,  
“ immoderatâ, infinitaque potestate, omnes metus  
“ legum, &c.’ the consuls, having an immode-  
“ rate and unlimited power, turned the terror of  
“ laws and punishments only upon the people  
“ themselves, (in the mean while) being account-  
“ able to none but themselves, and their confe-  
“ derates in the senate. Then the consular go-  
“ vernment being cashiered, came on the decem-  
“ viri: ‘ Cum consulari imperio ac regio, sine  
“ provocatione,’ saith my author; being invested  
“ with a consular and kingly power, without ap-  
“ peal to any other. And in his third book he  
“ saith, ‘ Decem regum species erat,’ it was a  
“ form of ten kings; the miseries of the people  
“ being increased ten times more than they were  
“ under kings and consuls. For remedy, there-  
“ fore, the ten were cashiered also; and consuls be-  
“ ing restored, it was thought fit, for the bridling  
“ of their power, to revive also the dictatorship,  
“ which was a temporary kingship, used only now  
“ and then upon occasion of necessity; and also  
“ those deputies of the people, called tribunes,  
“ which one would have thought had been suf-  
“ ficient bars against monarchic interest, especially  
“ being assisted by the people’s successive assem-  
“ blies: but yet, for all this, the people were  
“ cheated through their own neglect, and bestow-  
“ ing too much confidence and trust upon such as  
“ they thought their friends; for when they  
“ swerved from the rules of a free state, by length-  
“ ening the dictatorship in any hand, then mo-  
“ narchic interest stept in there, as it did under  
“ Sylla, Cæsar, and others, long before it return-  
“ ed to a declared monarchical form; and when  
“ they lengthened commands in their armies, then  
“ it crept in there, as it did under the afore-named  
“ persons,

“ persons, as well as Marius, Cinna, and others  
 “ also, and even Pompey himself; not forgetting  
 “ the pranks of the two triumvirates, who all  
 “ made a shift under every form, being sometimes  
 “ called consuls, sometimes dictators, and some-  
 “ times tribunes of the people, to outact all the  
 “ flagitious enormities of an absolute monarchy.”

—This valuable passage, so remarkable as an abridgment of the Roman history, as containing the essence of the whole that relates to the constitution, as a profound judgment of what passes in all societies, has been transcribed in the author's own words; and, it may be truly said, it contains a full confutation of his own system, and a complete proof of the necessity of the composition of three branches. It is strictly true, that there is a strong and continual effort in every society of men, arising from the constitution of their minds towards a kingly power; it is as true in a simple democracy, or a democracy by representation, as it is in simple aristocracy, oligarchy, or monarchy, and in all possible combinations and mixtures of them. This tendency can never be eradicated; it can only be watched and controuled; and the whole art of government consists in combining the powers of society in such a manner, that it shall not prevail over the laws. The excellence of the Spartan and Roman constitutions lay in this; that they were mixtures which did restrain it, in some measure, for a long period, but never perfectly. Why? Because the mixture was not equal. The balance of three branches is alone adequate to this end; and one great reason is, because it gives way to human nature so far, as to determine who is the first man. Such is the constitution of men's minds, that this question, if undecided, will for ever disorder the state. It is  
 a question



a question that must be decided, whatever blood or wounds it may occasion, in every species of gregarious animals as well as men. This point, in the triple division of power, is always determined; and this alone is a powerful argument in favour of such a form. Our author's Right Constitution is the worst of all possible forms in this respect: there are more pretenders; the choice of means is multiplied; the worst men have too much influence in the decision, more, indeed, than the best; and the whole executive and judicial powers, and the public treasure too, will be prostituted to the decision of this point. In the state of nature, when savage brutal man ranged the forests with all his fellow-creatures, this mighty contest was decided with nails and teeth, fists, stones, and clubs, in single combats, between all that dared to pretend. Amidst all the refinements of humanity, and all the improvements of civil life, the same nature remains, and war, with more serious and dreadful preparations, and rencounters of greater numbers, must prevail, until the decision takes place. "The people," says our author, "were cheated through their own neglect, and bestowing too much confidence and trust upon such as they thought their friends." And could he quote an instance from all history of a people who have not been cheated; who have not been negligent; who have not bestowed too much confidence and trust upon such as they thought their friends; who have not swerved from the rules of a free state, by lengthening power in hands that hold it? Can he give a plausible reason to hope that such a people will ever appear? On the contrary, is it not demonstrable that such a people is impossible, without a miracle and a renovation of the species. Why, then, should the people be  
bribed

bribed to betray themselves? Putting the executive power into their hands is bribing them to their own destruction; putting it into the hands of their representatives is the same thing, with this difference for the worse, that it gives more opportunity to conceal the knavery: giving the executive power to the senate is nearly the same, for it will be in that case used in bribes, to elevate certain senatorial families. All projects of government, formed upon a supposition of continual vigilance, sagacity, virtue, and firmness of the people, when possessed of the exercise of supreme power, are cheats and delusions. The people are the fountain of power; they must, in their constitution, appoint different orders to watch one another, and give them the alarm in time of danger. When a first magistrate, possessed of the executive, can appeal to the people in time of danger; when a senate can appeal to the people; and when a house of commons can appeal to the people; when it is the interest of each, in its turn, to appeal to the people; when self-preservation causes such appeal; then, and then only, can the people hope to be warned of every danger, and be put constantly on their guard, kept constantly vigilant, penetrating, virtuous, and steady: when their attention, too, is fixed only upon the preservation of the laws, and they cannot be diverted, like apes, by throwing the nuts of the executive power among them, to divide them. When they have any thing to do with the executive power, they think of nothing else but scrambling for offices, and neglect altogether the legislature and the laws, which are their proper department. All the flagitious enormities of absolute monarchy will be practised by the democratical

cratical despot, triumvirs, decemvirs, who get possession of the confidence of the majority.

○ Florence testifies the same truth : “ Even when  
“ it seemed most free, it was ever the business of  
“ one upstart or other, either in the senate or  
“ among the people, to make way to their own  
“ ambitious ends, and hoist themselves into a  
“ kingly posture through the people’s favour ; as  
“ Savanarola, Soderino, and the Medici, whose  
“ family fixed itself in a dukedom. Nor can it  
“ be forgotten how much of monarchy of late  
“ crept into the United Provinces.”

The conclusion is, that “ since the interest of  
“ monarchy” (that is, arbitrary power, or the  
government of men) “ may reside in a consul as  
“ well as in a king ; in a dictator as well as in a  
“ consul ; in the hands of many as well as of a  
“ single person ; and that its custom hath been to  
“ lurk under every form, in the various turns of  
“ government ; it concerns every people, in a state  
“ of freedom, to keep close to the rules of a free  
“ state for the turning out of monarchy, whether  
“ simple or compound, both name and thing, in  
“ one or many ; so they ought ever to have a *re-*  
“ *verend and noble respect* of such founders of free  
“ states and commonwealths, as shall block up  
“ the way against monarchic tyranny, by declar-  
“ ing for the liberty of the people, as it consists  
“ in a due and orderly succession of authority in  
“ their supreme assemblies ;” that is, for himself,  
Oliver Cromwell, and their party, for no other  
such founders of commonwealths had then ever  
existed. The true conclusion from all the reason-  
ing, and all the examples, under this second head  
of Error in Policy, ought to have been, that ar-  
bitrary power, or the interest of monarchy, or the  
government of men, cannot be prevented, nor  
the

the government of laws supported, but by mixing the powers of the one, the few, and the many, in equal proportions in the legislature; by separating the executive from the legislative power, and the judicial department from both.

Third  
Error.

The third error in policy is, "keeping the people ignorant of those ways and means that are essentially necessary for the preservation of their liberty; for implicit faith and blind obedience hath hitherto passed current, and been equally pressed and practised by grandees, both spiritual and temporal, upon the people."—Under this head our author merits all the approbation and praise that can be bestowed upon him. The instruction of the people, in every kind of knowledge that can be of use to them in the practice of their moral duties, as men, citizens, and Christians, and of their political and civil duties, as members of society and freemen, ought to be the care of the public, and of all who have any share in the conduct of its affairs, in a manner that never yet has been practised in any age or nation. The education here intended is not merely that of the children of the rich and noble, but of every rank and class of people, down to the lowest and the poorest. It is not too much to say, that schools for the education of all should be placed at convenient distances, and maintained at the public expence. The revenues of the state would be applied infinitely better, more charitably, wisely, usefully, and therefore politically, in this way, than even in maintaining the poor. This would be the best way of preventing the existence of the poor. If nations should ever be wise, instead of erecting thousands of useless offices, or engaging in unmeaning wars, they will make a fundamen-  
al



tal maxim of this, that no human being shall grow up in ignorance. In proportion as this is done, tyranny will disappear, kings and nobles will be made to feel their equitable equality with commoners, and commoners will see their interest and duty to respect the guardians of the laws; for guardians they must have as long as human nature endures. There is no room to doubt that the schools, academies, and universities, the stage, the press, the bar, pulpit, and parliament, might all be improved to better purpose than they have been in any country for this great purpose. The emanations of error, folly, and vice, which proceed from all these sources, might be lessened, and those of wisdom, virtue, and truth, might be increased; more of decency and dignity might be added to the human character in high and low life; manners would assist the laws, and the laws reform manners; and imposture, superstition, knavery, and tyranny, be made ashamed to show their heads before the wisdom and integrity, decency and delicacy, of a venerable public opinion.—But it is in vain that our author endeavours to throw the blame of impressing implicit faith and blind obedience upon grandees spiritual and temporal; for the grandees he contends for, both spiritual and temporal, I mean the first man and other principal members of his successive representative assemblies, will have as much occasion to keep the people in ignorance, and more opportunity to conceal truth and propagate falsehood, than those whom he calls standing powers. All intelligence and information will be directed to them; they may conceal what they will, and they will conceal every thing they can from their adversaries the minority, and even much from their own followers. It is a mixed government alone  
that

that can bear that truth and knowledge should be communicated freely to the people; and in a mixed government alone can the people compel all men to communicate such information as ought to be laid before them. The majority in a single assembly can conceal much from the minority, indeed almost what they will; but the crown, nor its ministers, can conceal any thing from an house of representatives which they ought to know.

It is very true, that a people who have declared themselves "a free state, should know what freedom is, and have it represented in all its *lively and lovely features*, that they may grow zealous and jealous over it. They should also be made acquainted, and thoroughly instructed in the means and rules of its preservation against the adulterous wiles and rapes of any projecting sophisters that may arise."—How different from this, alas! is the deplorable state of mankind! "Ce n'est, qu'en Angleterre, ou l'on pourroit faire ni avoir des livres sur des constitutions," said one of the most enlightened ambassadors in Europe: and it is but a very few years since a French gentleman answered a foreigner, who enquired for the best book upon the constitution of France, "Monfieur, c'est l'Almanach Royal."

**Fourth  
Error.**

"The fourth error in policy hath been the regulation of affairs by reasons of state, not by the strict rule of honesty."—It is unnecessary to follow our author through Greece and Italy, the Old Testament and the New, through France, Spain, and England, for instances of this *raggione de stato*, this kingcraft and priestcraft; it is well enough known: but it may be practised with more facility in a simple democracy than in any other government.

government. The leaders of a majority have only to alledge "reason of state" to justify themselves to their partisans for every species of tyranny and oppression over the minority, until they become strong enough to alledge the same "reason of state" to justify their tyranny over their own party.

" Permitting of the legislative and executive Fifth  
 " powers of a state to rest in one and the Error.  
 " same hands and persons.—By the legislative  
 " power we understand the power of *making, alter-*  
 " *ing, or repealing* laws, which, in all well-order-  
 " ed governments, hath ever been lodged in a suc-  
 " cession of the supreme councils or assemblies of  
 " a nation.—By the executive power we mean  
 " that power which is *derived from the other, and*  
 " *by their authority transferred into the hands of*  
 " one person called a prince, or into the hands of  
 " many called states, for the administration of  
 " government in the execution of those laws.  
 " In the keeping of these two *powers distinct,*  
 " *flowing in distinct channels,* so that they may  
 " *never meet in one,* save upon some short extraor-  
 " dinary occasion, *consists the safety of the state.*  
 " The reason is evident, because if the law-makers  
 " (who ever have the supreme power) should be  
 " also the constant administrators and dispensers  
 " of law and justice, then by consequence the peo-  
 " ple would be left without remedy in case of in-  
 " justice, since no appeal can lie under heaven  
 " against such as have the supremacy; which, if  
 " once admitted, were inconsistent with the very  
 " intent and natural import of true policy, which  
 " ever supposeth that men in power may be un-  
 " righteous, and therefore, presuming the worst,  
 " points always, in all determinations, at the enor-  
 " mities and remedies of government, on the be-  
 " VOL. III. E e " half

“ half of the people.—For the clearing of this, it  
 “ is worthy your observation, that in all kingdoms  
 “ and states whatsoever, where they have had any  
 “ thing of freedom among them, the legislative  
 “ and executive powers have been managed in  
 “ distinct hands; that is to say, the law-makers  
 “ have set down laws as rules of government, and  
 “ *then put power into the hands of others*, not their  
 “ own, to govern by those rules; by which means  
 “ the people were happy, having no governors but  
 “ such as were liable *to give an account of govern-*  
 “ *ment* to the supreme council of law-makers.  
 “ And on the other side, it is no less worthy of a  
 “ very serious observation, that kings and standing  
 “ states never became absolute over the people,  
 “ till they brought both *the making and execution*  
 “ *of laws into their own hands*; and as this usur-  
 “ pation of theirs took place by degrees, so un-  
 “ limited arbitrary power crept up into the throne,  
 “ there to domineer over the world, and despoil the  
 “ liberties of the people.”

Let us pause here with astonishment. A per-  
 son who had read the former part of the book with  
 attention, would think these words a complete re-  
 futation of his whole “ Right Constitution of a  
 “ Commonwealth.”—The whole drift of the book  
 before this was to prove, that all authority should  
 be collected into one centre; that the whole legis-  
 lative and judicial power, as well as the executive,  
 was to be vested in successive supreme sovereign  
 assemblies of the people’s representatives; and our  
 endeavour has been to show, that this would nat-  
 urally be applied to corruption in election, to  
 promote division, faction, sedition, and rebellion.  
 All this is now very frankly admitted, and “ the  
 “ safety of the state” depends upon placing the  
 power of making laws, of executing them, and ad-  
 ministering



ministering justice, in different hands. But how is this to be done? "The executive power, our author tells us, "is derived from the legislative; "and by their authority transferred into the hand "of one person called a prince, or into the hands "of many called states, for the administration of "government in the execution of those laws."

This is totally denied. The executive power is not naturally, nor necessarily, and ought never to be in fact, derived from the legislative. The body of the people, according to our author and to truth, is the fountain and original of all power and authority, executive and judicial, as well as legislative; and the executive ought to be appointed by the people, in the formation of their constitution, as much as the legislative. The executive represents the majesty, persons, wills, and power of the people in the administration of government and dispensing of laws, as the legislative does in making, altering, and repealing them. The executive represents the people for one purpose, as much as the legislative does for another; and the executive ought to be as distinct and independent of the legislative, as the legislative is of that.—There is no more truth, nature, or propriety, in saying that the executive is derived from the legislative, than that the legislative is derived from the executive: both are derived from the people. It is as untrue to say that the executive power is transferred by the authority of the legislative into the hands of a prince, as it would be to say that the legislative power was transferred by the authority of the prince into the hands of a legislative assembly. The people may, indeed, by their constitution, appoint the house of representatives, to represent them in watching the executive magistrates, and in accusing them of misrule and misdemean-

ours: they may appoint a senate to represent them, in hearing and determining upon those accusations.—The people are represented by every power and body in the state, and in every act they do. So the people are represented in courts of justice by the judges and juries, grand and petit, in hearing and determining complaints against ministers of the executive power, as well as members of the senate and the house. It is true the body of the people have authority, if they please, to impower the legislative assembly or assemblies to appoint the executive power, by appointing a prince, president, governor, podesta, doge, or king, and to call him by which of these names they please; but it would be a fatal error in policy to do it, because it would in fact amount to the same thing which our author seemed to contend for through his whole book, and which he now allows to be inconsistent with the safety of the state, viz. a union of the legislative and executive powers in the same hands. Whoever appoints bishops and judges will dictate law and gospel; whoever appoints a general will command the army; an admiral the fleet: any executor of the law will have it executed as he will. It makes the executive power a mere tool of the legislative, and the prince a weathercock blown about by the leading member of the house. Every commission will be disposed of as the lord and master in the house shall direct; military discipline will bow before his nod; and the judicial power must have the same complaisance: so that both executive and judicial powers will be prostituted to corrupt the people in elections, and the members of the house, as much as if all these powers were exercised in the house, and all the legislative, executive, and judicial powers in the same hands, the state unsafe, the people  
left

est without remedy, in case of injustice, but by an appeal to Heaven, by our author's own confession.—  
“ In all free states, the legislative and executive  
“ powers have been managed in distinct hands,”  
says our author; “ i. e. the law-makers have set  
“ down rules, and then put power into the hands  
“ of others to govern by those rules.” I wonder  
where. In Sparta the executive power was in the  
kings, hereditary kings, not appointed by the senate, or either of the popular assemblies, that of the city, or that for the country; in Athens the executive power was in the archons; in Rome, first in kings, and then in consuls, through all the period of the republic: but, what is worse, some important executive powers were reserved in the hands of the senate in Sparta, in the popular assemblies in Athens, in the senate in Rome; that is, the executive and legislative powers were so far united, which finally produced the ruin of all of them. In short, our author is perfectly right in his rule, that the two powers ought to be distinct, and in the fatal effects of their union; but totally wrong in deriving one from the other, and in his examples to shew they ever were so derived. But as the separation and division of authority, for the preservation of equity, equality, and liberty, in opposition to the union of it simply in one, the few, or the many, is the end of all the pains we have taken upon this subject, not a word of assistance afforded us by our author ought to be lost. He goes on: “ Cicero, in his second book *De Officiis*,  
“ and his third *De Legibus*, speaking of the first  
“ institution of kings, tells us, how they were at  
“ first left to govern at their own discretion without  
“ laws. Then their wills and their words were  
“ law; the making and execution of laws were in  
“ one and the same hands. But what was the  
E c 3 “ consequence?

“ consequence? Nothing but injustice, and in-  
 “ justice without remedy, till the people were  
 “ taught by necessity to ordain *laws*, as rules  
 “ whereby they ought to govern. Then began  
 “ the meeting of the people successively in their  
 “ supreme assemblies to make laws, whereby kings,  
 “ in such places as continued under the kingly  
 “ form, were limited and restrained, so that they  
 “ could do nothing in government but what was  
 “ agreeable to law, for which they were account-  
 “ able, as well as other officers were in other forms  
 “ of government, to those supreme councils and  
 “ assemblies. Witness all the old stories of Athens,  
 “ Sparta, and other countries of Greece, where  
 “ you shall find, that the law-making and the law-  
 “ executing powers were placed in distinct hands  
 “ under every form of government; for so much  
 “ of freedom they retained still under every form,  
 “ till they were both swallowed up, as they were  
 “ several times, by an absolute domination.—In  
 “ old Rome we find Romulus, their first king, cut  
 “ in pieces by the senate, for taking upon him to  
 “ make and execute laws at his own pleasure: and  
 “ Livy tells us, that the reason why they expelled  
 “ Tarquin, their last king, was, because he took  
 “ the executive and legislative powers both into  
 “ his own hands, making himself both legislator  
 “ and officer, *inconsulto senatu*, ‘ without advice,  
 “ and in defiance of the senate.’ Kings being ca-  
 “ shiered, then their standing senates came in play,  
 “ who, making and executing laws by decrees of  
 “ their own, soon grew intolerable, and put the  
 “ people upon divers desperate adventures, to get  
 “ the legislative power out of their hands, and  
 “ place it in their own, that is, in a succession of  
 “ their supreme assemblies: but the executive  
 “ power they left, part in the hands of officers of  
 “ their



“ their own, and part in the senate ; in which state  
 “ it continued some hundreds of years, to the great  
 “ happiness and content of all, till the senate, by  
 “ sleights and subtilties, got both powers into  
 “ their own possession again, and turned all into  
 “ confusion.—Afterwards their emperors, though  
 “ usurpers, durst not at first turn both these pow-  
 “ ers into the channel of their own unbounded  
 “ will ; but did it by degrees, that they might  
 “ the more insensibly deprive the people of their  
 “ liberty, till at length they openly *made and exe-*  
 “ *cuted laws at their own pleasure*, being both le-  
 “ gislators and officers, without giving an account  
 “ to any : and so there was an end of the Roman  
 “ liberty.—To come nearer home, let us look  
 “ into the old constitution of the commonwealths  
 “ and kingdoms of Europe. We find in the Italian  
 “ states Venice, which having the legislative and  
 “ executive power confined within the narrow  
 “ pale of its nobility in the senate, is not so free  
 “ as once Florence was, with Siena, Milan, and  
 “ the rest, before their dukes, by arrogating both  
 “ those powers to themselves, wormed them out  
 “ of their liberty.—Of all those states, only Ge-  
 “ noa remains in a free posture, by keeping the  
 “ power of legislation only in their supreme as-  
 “ semblies, and leaving the execution of law in a  
 “ titular duke and a council. The keeping of  
 “ these powers asunder, within their proper sphere,  
 “ is one principal reason why they have been able  
 “ to exclude tyranny out of their own state, while  
 “ it hath run the round in Italy.—What made  
 “ the Grand Signior absolute of old, but his en-  
 “ grossing both these powers ? and of late the  
 “ kings of Spain and France ? In antient times  
 “ the case stood far otherwise ; for in Ambro-  
 “ sio Morales his Chronicle you will find, that in

“ Spain the legislative power was lodged only in  
 “ their supreme council, and their king was no  
 “ more but an elective officer, to execute such laws  
 “ as they made, and, in case of failing, to give  
 “ them an account, and submit to their judgments,  
 “ which was the common practice, as you may see  
 “ also in Mariana. It was so also in Aragon, till  
 “ it was united to Castile by the marriage of Fer-  
 “ dinand and Isabella; and then both states soon  
 “ lost their liberty, by the projects of Ferdinand  
 “ and his successors, who drew the powers of le-  
 “ gislation and execution of law within the verge  
 “ and influence of the prerogative royal: whilst  
 “ *these two powers were kept distinct, then these*  
 “ *states were free; but the engrossing of them in*  
 “ *one and the same hands, was the loss of their*  
 “ *freedom.*—France likewise was once as free as  
 “ any nation under heaven: though the king of  
 “ late hath done all, and been all in all, till the  
 “ time of Lewis the Eleventh he was no more but  
 “ an officer of state, regulated by law, to see the  
 “ laws put in execution, and the legislative power  
 “ rested in the assembly of the three estates; but  
 “ Lewis, by snatching both these powers into the  
 “ *single hands of himself* and his successors, rooked  
 “ them out of their liberty, which they may now  
 “ recover again, if they have but so much man-  
 “ hood as to reduce the two powers into their an-  
 “ cient, or into better channels.—This pattern of  
 “ Lewis was followed close by the late king of  
 “ England (Charles the First), who, by our ancient  
 “ laws, was the same here that Lewis ought to  
 “ have been in France, an officer in trust, to see  
 “ to the execution of the laws; but by aiming at  
 “ the same ends which Lewis attained, and strain-  
 “ ing, by the ruin of parliaments, *to reduce the le-*  
 “ *gislative power, as well as the executive, into his*  
 “ *own*

“ own hands, he, instead of an absolute tyranny,  
“ which might have followed his project, brought  
“ a swift destruction upon himself and his family.—  
“ Thus you see it appears, that *the keeping of these*  
“ *two powers distinct* hath been a ground prefer-  
“ vative of the people’s interest, whereas their  
“ uniting hath been its ruin all along in so many  
“ ages and nations.”

This passage at large, in the author’s own words, has been quoted with pleasure, because, although the accuracy of it in every particular cannot be answered for, the principle and examples are good, and he might have added as many more examples as there were or had been simple governments in the world. It is in mixed governments alone where these two powers are separated. But the misfortune is, that our author contends for a mixed government, and a separation of the legislative and executive powers, in name and appearance only. If the executive is appointed by, or derived from, the legislative, it is still in essence but one power, and in the same hands. It is inaccurate to say, that in “ Athens and Sparta ” the law-making and law-executing powers were placed in distinct hands under every form of government: it would be nearer the truth to say, that they were free and happy in proportion as they separated these powers. But the fact is, these powers were never wholly separated: part of the executive always was in the legislative, and sometimes all of it, and these errors proved their ruin. When “ the executive power was left by the people of Rome  
“ partly in the hands of officers of their own, and  
“ partly in the senate,” it was a continual object of jealousy and contention between the senate and people. Whether France was ever “ as free as any  
“ nation under heaven,” or not, may be learned from  
from

from Boulainvilliers \*, Abbé de Mably †, and M. Moreau ‡.

To read through the voluminous histories of Father Daniel, Mezeray, Veilly, and consult original authorities, as Gregory of Tours, Froissart, &c. would be a tedious enterprize, and, after all, the controversy would remain. Boulainvilliers contends that France was a republic, and that the feudal lords had a right to make war upon the kings and upon one another: but it was, according to him, but an aristocracy. M. Moreau, who examines all the other writers, as Boulainvilliers, Du Bos, De Mably, &c. contends that the monarchs have ever been absolute: but at what period the common people, such as farmers, mechanics, merchants, &c. were admitted to a vote in the choice of their rulers, even of the procurators of cities and boroughs which composed the third estate, the public would yet be glad to be informed. Lewis the Sixteenth has the unrivalled glory of admitting the people to a share in the government. Upon what grounds our author could pretend that France was ever as free as any nation under heaven is utterly incomprehensible. The kings, nobles, and clergy, were such standing powers as our author detested; and the third estate was very far from being an adequate representation of the people: so that the assemblies of the states, and the ancient parliaments, were by no means successions of the people's sovereign assemblies. The constitutions of the cortes in Castile, Arragon, Portugal, and all the other kingdoms now united under the kings of Spain or Portu-

\* Etat de la France. Lettres sur les anciens Parlemens de France.

† Observations sur l'Histoire de France.

‡ Discours sur l'Histoire de France.



gal, were equally repugnant to our author's system, and equally destructive of it \*. Upon this head a judgment may be formed, by consulting Geddes's History of the Wars of the Commons of Castile, and his View of a Cortes assembled at Toledo in 1406.

“ Reducing transactions and the interests of the public into the disposition and power of a few particular persons. — The consequences have been, that matters were not carried by fair debate, but by design and surprise; not by deliberation of the people in their open assemblies, but according to premeditated resolutions, and forestallments of crafty projectors in private juntas; not according to the true interest of state, but in order to the serving of men's ends; not for the benefit and improvement of the people, but to keep them under, as ignorant of true liberty, as the horse and mule, to be bridled, saddled, and ridden, under the wise pretence of being governed and kept in order. But the grand and worse consequence of all hath been this, that such colleagues, partners, and engrossers of power, having once brought about their ends by lying practices upon the people, have ever fallen into fits of emulation against themselves; and their next design hath ever been to rook their fellows, and rid themselves of competitors, so that at length they have been their own executioners, and ruined one another: and the people having by this means been torn with civil dissensions and the miseries of war, by being drawn into parties, according to their several humours and af-

Sixth  
Error.

\* Miscellaneous Tracts, vol. i.

“ sections,

“ fections, the usual event ever was, that in the  
 “ end they have been seized as the prey of some  
 “ single tyrant.”

It must be confessed our author understands himself and his subject very well: he is aware of all the difficulties and dangers, but yet he will not see, or will not confess, that his own Right Constitution remains exposed to all their ravages, without the smallest provision to defend it. How will it be possible, in a single sovereign assembly, to prevent transactions and public interests falling into the disposition of a few? How will it be possible that matters should always be carried by friendly debate, and not by design and surprise, by premeditated resolutions of crafty projectors in private cabinets; not according to public interest, but private ends; not for the benefit of the people, but to keep them in ignorance, to be bridled and ridden? How can such colleagues and partners be prevented from imposing lying practices on the people, from emulation, envy, and jealousy among themselves; and from rooking one another? How shall the people be prevented from being torn with civil dissensions, and drawn into parties, by their several humours, principles, superstitions, prejudices, fancies, and affections? and how shall all this be prevented from ending in a single tyranny? Not one check, not the least restraint, no appearance of balance or controul, is once mentioned or thought of: for an executive appointed by the legislative will be none at all; it will only facilitate intrigue and artifice, to disguise and conceal the blackest designs. The example of “the thirty tyrants of Athens” is a proof of this. “Xenophon tells us, they drew the determinations of all things into their own closets, “but *seemed* to manage them ‘*calculis et suffragiis*”

“giis populi,” by the deliberations and votes of  
“the people, whom they had brought to their  
“own devotion in the assembly, to countenance  
“their proceedings;”—“and their custom was, if  
“any sort of men complained and murmured at  
“their doings, or appeared for the public, imme-  
“diately to snap them off, by the loss of life or  
“fortune, under pretence of being seditious and  
“turbulent fellows against the peace of their ty-  
“ranny.” But will not such thirty, or less num-  
ber of tyrants, arise in every single sovereign as-  
sembly, and behave in the same manner? In a re-  
presentative assembly they may take off a trouble-  
some member in an easier manner, by applying  
the executive and judicial powers, and the public  
treasure, among his constituents, to have him re-  
jected or left out at the next election. “The  
“event of the thirty tyrants’ combination was a  
“civil war, which ended in their banishment; but  
“a new junto of ten men got into their places,  
“whose government proving little less odious than  
“the former, gave occasion to new changes, which  
“never left shifting till they fell into a single ty-  
“ranny.” If “the wilder sort of people, having  
“by a sad experience felt the fruits of their own  
“error, in following the lusts of particular power-  
“ful persons, grew wise, and combining with the  
“honester sort, they all, as one man, set their  
“shoulders to the work, and restored the primi-  
“tive majesty and authority of their supreme as-  
“semblies,” how long did it last? Aristides him-  
self began to destroy it, Themistocles did more,  
Pericles more still, and Alcibiades finished the  
ruin. It is not possible to say that the Athenian  
constitution operated as a steady system of liberty  
for one moment; because, although a multitude  
of checks played in it, there was no settled ba-  
lance.

lance. The example from Herodotus, book ii, is still more decisive in our favour, and against our author: "Monarchy being abolished in Egypt after the death of king Setho, and a declaration published for the freedom of the people, immediately the administration of all affairs was engrossed in the hands of twelve grantees (or popular men, principes populi) who, having made themselves secure against the people, in a few years fell to quarrelling with one another, as the manner is, about their share in the government. This drew the people into several parties, and a civil war ensued, wherein Psammeticus, one of the twelve, having slain all his partners, left the people in the lurch, and seated himself, instead of a free state, in a single tyranny." Our author might have quoted the example of the apostles themselves, who fell into disputes who should be the first in the kingdom they thought approaching.—The two triumvirates are illustrious, among thousands of other examples equally apposite. Pompey, Cæsar, and Crassus, drew the affairs of the world into their hands, determining all in a private junto, without the advice or the consent of the senate or people, "unless it were now and then to make stalking horses of them, for the more clear conveyance of some unpleasing design." These men, having made an agreement among themselves, that nothing should be done in the commonwealth but what pleased their own humour, it was not long before the spirit of ambition set them flying at the faces of one another, and drew the whole world upon the stage, to act that bloody tragedy, whose catastrophe was the death of Pompey, and the dominion of Cæsar."—"The second triumvirate was between Octavius, Lepidus, and  
"Antony.



“ Antony. These having shared the world be-  
“ tween them, presently fell to bandying against  
“ one another: Augustus, picking a quarrel with  
“ Lepidus, gave him a list out of his authority,  
“ and confined him to a close imprisonment in the  
“ city; next he picks a quarrel with Antony,  
“ begins a new civil war, in which he ruined  
“ Antony, and seated himself in the enjoyment  
“ of a single tyranny.” But our author should  
have remembered, that all this was after the se-  
nate had lost its authority, and the people, in  
their assemblies, assumed all power; and he should  
have been sensible, that thus it will and must  
ever be, in all simple governments, to the end of  
the world.

“ In the great contest between Henry the  
“ Third and the barons, about the liberties of  
“ themselves and the people, the king being  
“ forced at length to yield to the lords, instead of  
“ freeing the nation, engrossed all power into their  
“ own hands, under the name of the twenty-four  
“ conservators of the kingdom, and became toti-  
“ dem tyranni, acting all in their own names,  
“ neglecting or over-ruling parliaments; but then,  
“ not agreeing among themselves, there were three  
“ or four of them who defeated the other twenty,  
“ and drew the entire management of affairs into  
“ their own hands, viz. the earls of Leicester,  
“ Gloucester, Hereford, and Spencer: yet it con-  
“ tinued not long; for Leicester getting all into  
“ his power, fell at enmity with Gloucester, and  
“ was defeated by him. At length Leicester,  
“ putting his fortune to a battle, was slain; and  
“ the king thereupon getting all power back  
“ again, took advantage of that opportunity for  
“ greatening himself and his prerogative. All  
“ the people got by the effusion of their blood  
“ and

“and loss of their peace was, that instead of one  
 “tyrant they had twenty-four, and then four;  
 “and after them a single usurper, Montford, earl  
 “of Leicester; and he being gone, they were  
 “forced to serve their old tyrant Henry the  
 “Third again, who by this means became the  
 “more secure and firm in his tyranny.”—And are  
 not all these examples, and millions of others that  
 happen in every village, hamlet, and burgade in  
 the world (for in all these there are contentions  
 for precedence, and men who would rather be  
 there the first than the second in Rome as sin-  
 cerely as Cæsar) enough to convince the people  
 and popular writers of the necessity of more than  
 one branch of power, and indeed of more than  
 two? The single struggle for the first place must  
 eternally distract every simple government, and  
 must disturb every one that has only two branches.  
 Unless there is a legal, constitutional, and habi-  
 tual mode of always determining who shall be  
 foremost, there can be no tranquillity among  
 mankind. Grave exhortations to single assem-  
 blies, whether senates or representatives, not to  
 permit public transactions to be engrossed, and  
 rest in the power of a few particular persons, will  
 be thrown away; for, such are the contradictions  
 in the human character, the multitude who have  
 no hopes of being intrusted, are as servile, as the  
 few who have, are aspiring; and, upon the whole,  
 there is more superiority in the world given than  
 assumed.

Seventh  
 Error.

“Driving of factions and parties.—Faction de-  
 “stroyed Rome: the factions, headed by the two  
 “potent families of Hannibal and Hanno, de-  
 “stroyed Carthage. Faction made Rome stoop  
 “to Cæsar; Athens to Pisistratus. Faction let  
 “the

“the Turk into Constantinople and Hungary;  
 “the Goths and Vandals into Spain and Italy;  
 “the Romans into Jerusalem: it subjected Ge-  
 “noa to the family of Sforza, dukes of Milan;  
 “brought the Spaniard into Sicily and Naples;  
 “and the French into Milan, where they ousted  
 “Sforza.”—To these instances might be added  
 as many as you please; but it is amazing that all  
 that have happened, have not been sufficient to  
 shew the necessity of a government so mixed that  
 factions may always be ruled. There can be no  
 faction but of the one, the few, or the many;  
 and a triple balance of equal powers affords a  
 never-failing remedy against either; and if either  
 of these is wanting, there is always not only a  
 possibility and a probability, but an absolute cer-  
 tainty, of one species of faction arising, against  
 which the constitution affords no defence.

“Violation of faith, principles, promises, and  
 “engagements,” an “impiety that ought to be  
 “exploded out of all nations that bear the name  
 “of Christians;” and yet we find it often pass  
 among the less discerning “sort of men for ad-  
 “mirable policy;” and those impostors that used  
 it “have had the luck to be esteemed the only  
 “politicians.”—Our author wisely and nobly con-  
 demns the reasoning of Machiavel in his Prince,  
 “that because the greatest part of the world  
 “being wicked, unjust, deceitful, full of trea-  
 “chery and circumvention, there is a necessity  
 “that those who are downright, and confine them-  
 “selves to the strict rules of honesty, must ever  
 “look to be over-reached by the knavery of others.”  
 He quotes too from Machiavel: “This part hath  
 “been covertly shewed to mankind by ancient  
 “writers; who say that Achilles, and many others

Eighth  
Error.

“ of those ancient princes, were intrusted to Chiron the Centaur, to be brought up under his discipline. The moral of this, having for their teacher one that was half a beast and half a man, was nothing else, but that it was needful for a prince to understand how to make his advantage of the one and other nature, because neither could subsist without the other.”

Without condemning our species so far as Machiavel, by pronouncing the greatest part wicked; or going the length of the ancients, in supposing them half beasts; or of some moderns, in calling them half devils; candour, and charity itself, must allow, that in all great nations, at least, there are many both wicked, brutal, and diabolical; and enough of both to trample on the laws, and disturb the peace, liberty, and property, of the good and humane, unless provision is made in the constitution to restrain them. In all simple governments, the worst part of the species are least controuled, and have most temptations; and from hence arises a new and strong argument in favour of such a mixture, as shall guard every avenue to imposture, and every inlet to vice. Although the vices and follies of mankind, no more than their diseases and bodily infirmities, can never be wholly eradicated in this mixed state of good and evil, and we cannot rationally hope that policy will ever change the earth into heaven, yet the balance of three branches appears to afford all that the constitution and course of things will admit; at least all that have hitherto been discovered. It would be folly to say that no further improvements can be discovered: the moral and intellectual world is as little known as the physical. We may hope, from education, enquiry, and experiment, great advances; but until they are further



further pursued, let us adopt such as have already been found practicable and useful. There is one alteration which will be found indispensable, before any great meliorations can be made in society and government; some more rational method of determining the people's votes in elections, and some effectual provision against corruption. The cry of family fortune, some prejudice of superstition, some habitual fondness, a prejudice, a whim, a name, too often determine the votes of multitudes, even when grosser profligacy has no share. The people must be taught to be governed more by reason, and less by sounds. The word king, like magic, excites the adoration of some, and execration of others: some, who would obey the lawful orders of a king, would rebel against the same orders, given by the same authority under the name of governors or president; others would cheerfully submit to a governor or president, but think rebellion against a king, with only the same authority, virtue and merit, and obedience to God. Until the nature of things are more generally understood by the people, and mere sounds have less influence, it will be in vain to expect any great improvements. There is another particular too, in which, I suspect, the people must change the fundamental maxim of their policy throughout the world, before much further improvements will be made. The people, in all ages and countries, have laid it down as a rule, that their service must be perfectly disinterested: no man deserves to be employed by them, who will not serve them gratis, at least, if not put himself to great expence to procure their votes. The consequences of this are many. 1. No man can serve them who is not rich: this is giving up at once their own right of

F f 2

election

election into the hands of an aristocracy, and that characteristic of aristocracy too which has the least merit in it, mere wealth. 2. This introduces an universal system of Machiavelian hypocrisy into popular elections; and those who are most interested, most corrupted, and most determined to carry the commodity to market, are the most liberal in their offers of a price to purchase it, the most ostentatious in professions of disinterested motives. Aristides, Fabricius, and Cincinnatus, are eternally quoted, as if such characters were always to be found in sufficient numbers to protect the people's liberties, and a cry and shew of pure virtue is set up by the most profligate and abandoned of human kind, such as would sell their fathers, their country, and their God, for profit, place, and power. Hypocrisy, simulation, finesse, are not more practised in the courts of princes than they are in popular elections, nor more encouraged by kings than people. Unless some means can be discovered to reform the people, and to enlighten them, to make rectitude, instead of chicanery, the visible obvious interest both of governors and governed, it will be in vain to expect great changes for the better in government. To improve this, morals and science must be improved, extended, and made more general, if not universal; and, after all, perfection we know can never be attained in either.

Second  
Objection.

The second objection is, "that such a form in the people's hands would cause confusion in government."—This objection seems to have been started by his own party, who were afraid of the influence of royalists; and the answer to it distinguishes two states of a commonwealth;—one, while it is new after a revolution, when great numbers  
are

are disaffected. These he treats with great severity, and allows the danger of confusion from their intrigues; he therefore excludes them from voting, or being chosen, and justifies it by Greek and Roman examples.

The other is a quiet state, when all the people may, he thinks, be admitted to choose and be chosen without confusion. But as this whole objection, and answer to it, relate to the time and circumstances in which he wrote, it is unnecessary to enlarge upon it: it is nevertheless amusing, or provoking, to observe with what facility he asserts the right of the majority to make *slaves* of the minority. "Such as have commenced a war, to serve the lusts of tyrants against the people's interest, should not be received any longer a part of the people, but may be handled as slaves when subdued; if their subduers please so to use them; because, by their treasons against the majesty of the people, they have made forfeiture of all their rights and privileges." The majesty of the people is a very venerable, sublime, and affecting idea; but, in human theory, every government, despotism, monarchy, aristocracy, and every mixture, is created by the people, continued by their sovereign will, and represents their majesty, their august body. Resistance therefore to a despotism, or simple monarchy or aristocracy, or a mixed government, is as really treason against the majesty of the people, as when attempted against a simple or representative democracy; since the right of the people to confide their authority and majesty to one man, or a few men, can no more be doubted than to a larger number. In the divine theory, upon which most of the governments of Europe still rest, it is not only treason, but impiety and blasphemy, to resist any government whatever. If

the sovereignty of a nation is a divine right, there is an end of all the rights of mankind at once; and resistance to the sovereignty, wherever placed, is rebellion against God.

It is worth while to observe also a contradiction to what our author had advanced in the former part of his work. "The old commonwealth of Greece," he says here, "were wont to heap up all honours they could vent, upon such as did or suffered any thing for the maintenance of their liberties." Under a former head he represented it as a commendable custom of commonwealths to make their service a burthen.

Third  
Objection.

The third objection is, "that the management of state affairs requires judgment and experience, which is not to be expected from new members coming into those assemblies upon every election."—The answer to this objection is of great importance, because it in effect, though not in words, gives up his whole argument in favour of a single sovereign assembly. He distinguishes between *acta imperii* and *arcana imperii*, acts of state and secrets of state. By acts of state he means the laws and ordinances of the legislative power; things that have most influence upon a commonwealth, as to its ill or well being; and the only remedies for such bad customs, inconveniences, and incroachments, as afflict and grieve it. Matters of grievance being matters of common sense, and such as are obvious to the people, who best know where the shoe pinches them, there is no need of any great skill or judgment in passing or applying a law for remedy.—"But as to secrets of state, or the executive part of government, during the intervals of their supreme assemblies; these things being of a nature remote from ordinary



“dinary apprehensions, and such as necessarily  
 “require prudence, time, and experience, to fit  
 “men for management, much in reason may be  
 “said, and must be granted, *for the continuation of*  
 “*such trusts* in the same hands, as relate to matter  
 “of council or administration of justice, more or  
 “less, according to their good or ill behaviour.  
 “A prudential continuation of these may (with-  
 “out question) and ought to be, allowed upon  
 “discretion; because if they do amiss, they are  
 “easily accountable to the people’s assemblies.”  
 Here our author’s plan begins to develope itself.  
 Hitherto we had heard nothing but of successive  
 sovereign assemblies of the people’s representatives:  
 now indeed we learn that this assembly is to ap-  
 point judges, generals, and admirals, and a stand-  
 ing committee perhaps for the treasury, the admi-  
 ralty, the customs, excise, and foreign affairs.  
 Whether these judges, and committees, and com-  
 manders, are to be members of the sovereign as-  
 sembly, or whether their appointments are to va-  
 cate their seats, is not ascertained; but in either  
 case it is obvious they will be the friends and con-  
 fidents of the prevailing party in the house: they  
 will be persons on whose friendship the major party  
 in the assembly can rely to promote their views,  
 by advancing their friends among their constitu-  
 ents, in order to procure a new election, or, in  
 other words, a *standing power*, a thing which our  
 author dreads so much in the representative assem-  
 bly; and thus the whole executive and judicial  
 power, and all the public treasure, is at once ap-  
 plied to corrupt the legislature and its electors.  
 And what is it “to be accountable to the people’s  
 “assemblies?” It is to be afraid to offend the  
 strongest party in the house, by bestowing an office  
 or deciding a cause, civil or criminal, against their  
 inclinations.

inclinations. James's boast comes in very pertinently here. The leaders in the house having the appointment, the impeachment, censure, condemnation, reward, and pay of all the bishops, judges, and commanders, in their power, they will have what law, gospel, war, peace, and negotiation they please. Corruption is let in in such a torrent, as the virtue of no people that ever lived, or will live, is able to resist, even for a few years: the gangrene spreads immediately through the whole body.

Our author proceeds to his ordinary routine of examples. "Athens upheld constant returns and  
 " periods of succession in their supreme assemblies  
 " for remedy of grievances; and they had a stand-  
 " ing council, called the Areopagus, to whom the  
 " secrets of state were committed during the ad-  
 " ministration of government, during the inter-  
 " vals of those assemblies, at whose return they  
 " were accountable, and warily continued or ex-  
 " cluded, as the people found cause." But our author no where recollects the checks to the popular government of Athens, which, however, was never at any one moment so popular as his project. He no where recollects, that there were ten slaves to one citizen; that the education of the citizens therefore was superior to that which is possible in any nation that has not slaves. He no where recollects, that the whole of religion was saved in the hands of the nobly born, which gave a few families such an influence as no part of Christendom now affords an example of, not even in catholic countries. He no where recollects, that the whole people were divided into ranks, and all magistrates taken out of the higher ranks. He no where recollects the senate of one hundred, and afterwards of five hundred, appointed by lot, which formed  
 the

the council of state, which had the constant charge of political affairs, and particularly the preparation of business for the assembly of the people. He no where pays a sufficient attention to the court of Areopagus, and its important powers, and the persons of whom it was composed: all the archons out of office were members for life. He no where recollects, that a single representative assembly, being necessarily few, are more liable to corruption than even a collective assembly, who are many. These important checks, which gave such vast weight to the aristocratical part of the community in the government of Athens, have no equivalent in our author's plan. He no where recollects, that Solon's institution was at last ruined by allowing to the fourth class of citizens an equal vote in the assembly of the people; a terrible warning against all such projects of government.

In Sparta and Rome, says our author, they had the like: but it is really shocking to read these affirmations so entirely without foundation. The governments of Sparta and Rome were governments as different and as opposite to our author's "right form" as can be imagined; and the moment they obtained the least resemblance of it, all authority was seen in one centre, in Nabis and Cæsar. Florence too was after the same mode; Holland and Switzerland. In Holland the people never had the election of any regular assemblies, and they never speak but by petition, or in bodies unknown to any written constitution; I mean mobs: a more unlucky example could not have been thought of. Their regencies too are for life in general, and fill up their own vacancies: in all the aristocratical cantons of Switzerland the same. How far some of the smallest democratical cantons in any particular resemble our author's notions, may be seen in  
the



the former volume; but no sufficient justification of them will be found there: but if a parallel could, in states so small and poor, be found, it would be no precedent for nations, large, opulent, and powerful, full of great objects of ambition, and constantly exposed to the hostile envy and resentment of great and dangerous neighbours.

Fourth  
Objection.

The fourth objection is, "that such a government brings great damage to the public, by their frequent discontents, divisions, and tumults."

In answer to this, he considers several cases.—

1. When any citizens arrogate privileges to themselves or their families, beyond the ordinary standard of the people, then discontents, divisions, and tumults arise. In Rome, the senate retaining the power of the old government in the hands of themselves and their families, upon the expulsion of the Tarquins, occasioned the subsequent discontents and tumults. "Had Brutus made them free when he declared them so, or had the senate followed the advice and example of Pub-  
" licola, all occasion of discontent had been taken away."—  
2. When the people felt themselves not fairly dealt withal by their leaders and generals. In Syracuse, Dionysius being made general, under pretence of defending the people's liberties, and then using his power to other purposes, became the firebrand of the state, and put the people all into flames for his expulsion. "In Sparta, the people were peaceable until  
" they found themselves over-reached, and their  
" credulity abused, for converting liberty into ty-  
" ranny under Manchanides and Nabis. In Rome,  
" under the people's government, the sad sight of  
" people swarming in tumults, their shops shut  
" up, all trade given over, and the city forsaken,  
" as



“ as also in Athens, the occasion was the same; for  
“ though the people naturally love ease and peace,  
“ yet finding themselves outwitted by sleights, and  
“ abused by feats of the senate, they grew out of  
“ all patience. When any one of their senators,  
“ or of themselves, arrived to any height of power,  
“ by insinuating into the people’s favour upon  
“ specious and popular pretences, and then made  
“ a forfeiture of those pretences, as Sylla and Marius,  
“ they were the causes of those tumults and  
“ slaughters among the Romans, the infamy of  
“ which has been cast most injuriously on the people’s  
“ government by the profane pens of court pensioners. Cæsar too was the cause of all those  
“ civil broils and tragedies among the people.’

An impartial writer would have brought every one of these examples in proof of the direct contrary; for they all shew, that in proportion as the people gained an authority, uncontrouled, or more than a balance for the senate, they grew more discontented, divided, and tumultuous, the more inclined to stir up factious leaders, as Pericles, Alcibiades, Cleon, the Gracchi, Marius, Sylla, and Catiline and Cæsar. The people were certainly peaceable under the kings, though the archons and nobles were not. The people were peaceable under the Grecian archons and Roman senate, so peaceable as to bear extreme oppression; but their turbulence began with their aspiring at power, and increased as it grew, and grew intolerable the moment they obtained the exercise of that authority which our author contends they ought always to exercise. These examples, therefore, all shew the necessity of a balance to the people’s exercise of power in a mixed government.—3. The people are tumultuous when sensible of oppression, although naturally of a peaceable temper, minding nothing but a free enjoyment;

joyment; but if circumvented, misled, or squeezed, by such as they have trusted, they swell like the sea, over-run the bounds of justice and honesty, ruining all before them; but, unhappily, they very often mistake and swell against the most honest and faithful men, and insist upon being misled by the most artful and knavish. A great majority of the people, and those as honest as any, are too fond of ease and peace to trouble themselves with public affairs, which leaves an opportunity to the profligate and dissolute to have more influence than they ought, to set up such idols as will flatter and seduce them, by gifts, by offices, and by partiality in judgments; which shews, that although they are very competent to the choice of one branch of the legislative, they are altogether incapable of well managing the executive power. It is really unaccountable, but by that party spirit which destroys the understanding as well as the heart, that our author should conclude, "there is not one precedent of tumults or sedition, which can be cited out of all stories, where the people were in fault." It was even their fault to be drawn in or provoked; it was their fault to set up idols, whose craft or injustice, and whose fair pretences, had designs upon the public liberty. They ought to know that such pretenders will always arise, and that they never are to be trusted uncontrouled.

But he seems to be aware that all this would not be quite satisfactory. In order to extenuate the evil, he admits, for argument sake, that the people were tumultuous in their own nature; and he ought to have admitted, from regard to truth, that without laws, government, and force to restrain them, they really are so. "Tumults, when they happen, are more easily born than those inconveniences which arise from the tyranny of monarchs"

“monarchs and great ones.” It is a great question, whether anarchy or tyranny be the greater evil? No man who reads the third book of Thucydides, or Plato’s description of a democratical city, or who considers the nature of mankind, will hesitate to say that anarchy, while it lasts, is a greater evil than simple monarchy, even exercised by tyrants: but as anarchy can never last long, and tyranny may be perpetual, no man who loves his country, and is willing to submit to a present evil for a future public good, would hesitate to prefer anarchy, provided there was any hope that the fair order of liberty, and a free constitution, would arise out of it. A chance of this would be preferred by a patriot to the certainty in the other case. Some men too would prefer anarchy, conscious of more address with the people than with a monarch: but if anarchy and tyranny were to be alike permanent and durable, the generality of mankind would and ought to prefer tyranny; at least monarchy, upon the principle that a thousand tyrants are worse than one. But our author extenuates the evils of tumults.—1. The injury never extends farther than some few persons, and those, for the most part, guilty enough, as the thirty grandees in Athens, the ten in Rome, &c. Such tumults, however, have often proceeded to greater lengths, and have had innocent and excellent men for their object. Examples enough have been cited from Greece and Italy, as well as Holland.—2. Tumults are not lasting. An eloquent oration of a grave man, as Menenius, Agrippa, Virginius, or Cato, may pacify them. True sometimes, but much oftener the grave man will fall a sacrifice to their fury.—3. Tumults usually turn to the good of the public; the great are kept in awe, the spirits of the people kept warm and high with thoughts



thoughts of liberty. This has some weight in monarchies and aristocracies, where they may be quelled; but in simple democracy, where they cannot, they would be fatal. "In Rome they obtained the law of the twelve tables, procured the tribunes and supreme assemblies, and frequent confirmation of them." The supreme assemblies they obtained are very unluckily quoted, because these, having no controul, destroyed the commonwealth.

"All this is far otherwise under the standing power of the great ones. They, in their councils, projects, and designs, are fast and tenacious." As this is an acknowledgment that the people are not fast and tenacious, that is steady, it should seem an argument in favour of a standing senate, at least of some senate appointed from the persons of most experience, best education, most respectable families, and considerable property, who may be supposed thoroughly to understand the constitution, to have the largest views, and be "fast and tenacious" of the maxims, customs, and laws of the nation, to temper the unsteadiness of the people, and even of their representatives. "The evils under these forms are more remediless and universal." Not at all in mixed governments. They are, on the contrary, more easily remedied, for the house of commons is the grand inquest of the nation. "Those tumults and quarrels that arise among them, never end but in further oppression of the people." Quarrels among them have commonly given more weight to the people, and must always end in relieving the people, where the people have a full share.

Upon the whole, tumults arise in all governments; but they are certainly most remediless and certainly fatal in a simple democracy. Cheats and tricks



tricks of great men will as certainly take place in simple democracy as in simple aristocracy or monarchy, and will be less easily resisted or remedied; and therefore our author has not vindicated his project from the objection of its danger from tumults. A mixed government, of all others, is best calculated to prevent, to manage, and to remedy tumults, by doing justice to all men on all occasions, to the minority as well as majority; and by forcing all men, majority as well as minority, to be contented with it.

The fifth objection is, "that little security is  
" to be had for the more wealthy and powerful  
" sort of men, in regard of that liberty which the  
" people assume to accuse or calumniate whom  
" they please."

Fifth  
Objection.

In answer to this, our author acknowledges that calumny (by which he means ambitious flandering of men, by whisperings, reports, or false accusations), have been more or less in all forms of government, but affirms that they were never allowed or approved in his form of government; that they have been most in use under standing powers of great ones, who make it their grand engine to remove or ruin all who stand in their way, and have always instruments ready at hand; that it is marked out by Aristotle *inter flagitia dominationis*. But the true and impartial answer is this, that all simple governments are addicted to this vice, and make use of it as an instrument to destroy their adversaries. In our author's "Right Constitution" it would be as prevalent as in any monarchy or aristocracy; and in each of the simple governments it is equally impossible to prevent, palliate, or remedy the evil. In a simple democracy it must be the worst of all upon the whole,  
because

because the whole nation must necessarily be slanderers. The majority calumniate of course for the same reason that unlimited monarchs and senates do, viz. to support their power and annoy their enemies; and the minority are necessitated to slander in their turn in self-defence. The liberty of accusation, however, in every form of government, must in some degree be admitted; without it, neither will nor pleasure, nor law, can govern. In a simple democracy it would be unlimited; every body belonging to the majority would be informers and accusers, and always sure of supporting his accusation. The minority, therefore, in a simple democracy, are subjected to spies, informers, accusations, and slanders, without end and without redress.

In a mixed government, like the English and American, informers from private motives are justly odious; from public motives respected. Every crime, however high, may be prosecuted and punished: the grand inquest of the nation becomes accuser against those in high places; the grand inquest of the counties for ordinary offences. No crime can be concealed; no fictitious crime can be pretended or alledged. Calumny itself is punishable as an offence against the public, and the injured individual may obtain satisfaction. It is in such a government alone that calumny is or can be managed upon principles of public safety and private justice, neither of which can ever be generally regarded in any simple government, and most certainly least of all in our author's "Right Constitution," or authority in one centre.

For the proof of these observations any history would serve; but it will be sufficient to attend to those anecdotes quoted by our author. In Rome  
 " the ten grandees, and all that succeeded them in  
 " that

“ that domineering humour over the people, ever  
“ kept a retinue, well stocked with calumniators  
“ and informers (such as we call “ Knights of the  
“ Post”) to snap those that any way appeared for  
“ the people’s liberties. This was their constant  
“ trade, as it was also of their emperors.”—“ But  
“ while the people kept their power entire in the  
“ supreme assemblies, we read not of its being  
“ brought into any constant practice.”—This continued chicanery, in holding out to the people of England an idea that the Romans were ever governed by his “ Right Constitution,” is really unpardonable: nothing can be more unfair. But to pass this over: Are the examples of Cassius, Melius, Manlius, Coriolanus, the Gracchi, so soon forgot? The Scipios indeed he recollects. These calumnies were promoted by the senate, in some instances, it is true; but by the people too in all: at least the people were made the dupes and tools; which is sufficient to make the examples strong proofs against our author.

The same profligacy of a party spirit appears in his example of Athens. “ By their lofty and unworthy carriage, they stirred up the people’s fear and jealousy so far, as to question and send divers of them into banishment; as Alcibiades, Themistocles, and others.” Why are Aristides, Miltiades, Socrates, and Phocion forgotten? These would have been too grossly against him, and warnings too terrible against his paltry system. “ Whereas, if the rules of a free state had been punctually observed, by preserving a discreet revolution of powers, and an equability or moderate state of particular persons, there had been no occasion of encroachment on one part, or of fear on the other.” That is to say, if the rules of a free state had been observed in a city where



no such rule of a free state existed; and an equality and moderation maintained, of which there is no example in history, and which is totally impracticable; then there would have been no encroachment or fear: or, in other words, if all men had been wise and virtuous, and there had been no need of government at all, then there would have been no democratical tyranny, and, he might add, monarchical or aristocratical. It is burlesque to talk of a rule of a free state, which never was, and every man of common sense knows never can be, a rule of a free state. Our conclusion must be directly contrary to that of our author; viz. the calumnation under his "Right Constitution" must be more frequent, intolerable, and remediless, than under any form of tyranny, whether monarchical or aristocratical. The English constitution furnishes rules, means, and judicatures, in their grand and petit juries, and in impeachments of the commons before the lords, so equitable and admirable, that it is very unaccountable that any man should think of preferring to it a simple democracy of a single representative assembly, where it is so obvious that every man's reputation, liberty, property, and life, must be in constant danger of accusations by and before an omnipotent party.

"The liberty of accusation by the people before their supreme assemblies," cannot mean that the whole people should join in such accusation: this is impossible; every man then must have liberty to accuse whom he will. The house will consider who is the accuser, and who the accused; and members in the house will consider how their parties are likely to be affected by the sentence, more than truth or justice. An accuser, who is useful to the majority, will rarely be punished, let his accusation be ever so false or malicious:



cious: one of the minority will never be heard, though his complaint be ever so true.—“ The  
“ liberty of accusation is, indeed, a thing so es-  
“ sentially necessary for the preservation of a com-  
“ munity, that there is no possibility of having  
“ persons kept accountable without it; and, by  
“ consequence, no security of life and estate, li-  
“ berty and property. ‘ Maxime interest reipub.  
“ libertatis ut libere possis civem aliquem accu-  
“ sare;’ it most highly concerns the freedom of a  
“ commonwealth, that the people have liberty of  
“ accusing any persons whatsoever.” Thus far we  
agree, as well as in the opinion, that a great evil  
in governments, simply monarchical or aristocrati-  
cal, is the want of such liberty. But simple de-  
mocracy has in it as great an evil in this respect;  
for the minority have too little liberty of accusa-  
tion, in proportion as the majority have too  
much: it is therefore in a mixed government  
only where an equal liberty can be preserved to  
all, without being too great in any. It is agreed  
further to be a means, and the only means, of ex-  
tinguishing jealousies and emulations, discontents  
and fury, in the people, when they can bring to  
account their oppressors; and the instances of the  
Decemviri and Coriolanus are properly enough  
produced: the story from Florence too, of one  
who occasioned such calamities for want of this  
liberty of accusation, by which he might have  
been taken down; and the case of Soderino, who  
drove the people to call in the Spaniards to sup-  
press him for want of such a power. To these  
examples there is no objection, nor to the doctrine  
they convey, viz. that the liberty of accusation pre-  
vents the people very often from running in rage  
and despair to internal violence or foreign alliance,  
and in both cases to arms. But the conclusion

upon the whole must be, that this objection stands in full force against our author's plan, and wholly unanswered. There is no security for the most wealthy and powerful sort of men among the minority; they will be constantly exposed to ruin by false accusations.

Sixth  
Objection.

The sixth objection is, "that people by nature are factious, inconstant, and ungrateful." In answer to the charge of faction, he repeats his positions under the fourth reason; and his examples of Pompey and Cæsar; Guelphs and Ghibelines in Italy; the families of Orleans and Burgundy in France; the Guisians; York and Lancaster, &c. we must refer to our observations on the fourth reason.

Inconstancy he allows to be a characteristic of the people who are debauched, and in a corrupted state of a commonwealth, when degenerated from its true principles, as in Athens, Rome, Florence. "But yet in Rome you may see as pregnant instances of that people's constancy, as of any sort of men whatsoever; for they continued constant, irreconcilable enemies to all tyranny in general, and kingly power in particular. In like manner, when they had once gotten their successive assemblies, they remained so firm and stiff to uphold them: in making their elections, too, they could never be persuaded to choose a known infamous, vicious, or unworthy fellow, so that they seldom or never erred in the choice of their tribunes and other offices. But it has ever been otherwise under kings and standing powers." Here he must mean simple monarchies and aristocracies, because he distinguishes the case from Rome, which was a mixed government. "Standing powers usually ran into all  
" the

“ the extremes of inconstancy upon every new project, petty humour, and occasion ; shifted principles every moon ; cashiered all oaths, protestations, promises, and engagements, and blotted out the memory of them with a wet finger,” he instances in Charles the First. If we speak impartially upon this head, we must say that all men are alike ; that simple governments are equally inconstant, as far as they partake of the same human nature. Kings have been as inconstant as any men ; so have simple senates. Simple democracies have never been tried ; but, if we reason from their nature, we shall conclude, that they are more inconstant than either, because the result depending on the majority of votes, the difficulty and impossibility of assembling equal numbers at all times, increases the chances of change and inconstancy. The ignorance of multitudes, who compose a part of the people, is another cause : so that if a difference must be allowed, it must be confessed that simple democracy is the least constant. But a mixed government produces and necessitates constancy in all its parts ; the king must be constant, to preserve his prerogatives ; the senate must be constant, to preserve their share ; and the house theirs : neither can go beyond its line, without being called back by the other. The legislative must be constant to preserve its rights, and the executive for the same end : the judicial too must be constant to the laws, which alone can screen it from the resentment and encroachment of one or other of the three branches in the legislature. It is to this universal vigilance and constancy, which such a constitution renders necessary and unavoidable, that the laws owe their perpetual superiority, and are able to make kings, nobles, and commoners, ministers of state and religion, and judges



too, bow with reverence to its decisions: to this constancy, therefore, is due that delightful tranquillity of mind, arising from a sense of perfect security in the protection of known laws, for the enjoyment of life, liberty, honour, reputation, and property. "Ingratitude has been much charged upon this form."—"In Athens and Rome, unhandsome returns were made to worthy persons, who had done high services—Alcibiades, Themistocles, Phocion, Miltiades, Camillus, Coriolanus, and both the Scipios, the cause of whose misfortunes is described, by Plutarch and Livy, to be their own *lofty and unwary carriage*, which excited the people's fear and jealousy. The Scipios were most to be pitied, because the nobles, not the people, disappointed them; as for Camillus and Coriolanus, they deserved whatever befel them, because they maligned and hated the people." All this is tolerably just.—Our author proceeds: "This humour, however, is highly commended by some, as a sign of a commonwealth's being in pure and perfect health, when the people are thus active, zealous, and jealous, in behalf of their liberties, that will permit no such growth of power as may endanger it." Yet he adds, with great truth, "that the people have been so far from ingratitude, that they have always been excessive in their rewards and honours to such men as deserved any way of the public, while they conformed themselves to rules, and kept in a posture suitable to liberty. Witness their consecrations of statues, incense, sacrifices, and crowns of laurel, enrolling such men in the number of their deities. The crime of ingratitude cannot, in any peculiar manner, be fastened upon the people."—This is very just; the people are  
no



no more ungrateful than kings or senates, nor more jealous; and the instances from republics, of apparent ingratitude, are not fair proofs. They commonly have arisen from party; and the ill-treatment of deserving men has been the work of intrigues of the aristocratical and monarchical parts of these communities, oftener than of the people themselves. The jealousy and envy of commanders, and leading senators and patricians, have plotted with the people, fomented their prejudices, inflamed their passions, and misrepresented by false reports, until such points have been carried. There is another thing too to be considered: the real merit of public men is rarely fully known and impartially considered; empiricism is practised to an astonishing degree by some, even in the purest times. Aristides and Themistocles, Cæsar and Cato, are not upon an equal footing; but when men arise, who to real services add the arts of political empiricism, conform to the errors of the people, comply with their prejudices, gain their hearts, and excite their enthusiasm, then their gratitude is a contagion; it is a whirlwind;—it is infinitely worse to the public than their ingratitude, or than the ingratitude of kings or nobles. Our author produces, as instances of the ingratitude of princes—  
“ Alexander hated Antipater and Parmenio, and  
“ put the latter to death; Vespasian cashiered the  
“ meritorious Antonies; the king of Portugal,  
“ Alphonfus Albuquerque; Ferdinand of Arragon, Consalvus the Great; Henry the Seventh,  
“ Stanley, of the house of Derby, who put the  
“ crown upon his head; Sylla, his instruments;  
“ Augustus, Cicero;” and, he might have added, many thousands of others. After all, justice and sound policy ought to be the rule and measure of  
G g 4 rewards

rewards and punishments, not any vague sensation of gratitude or jealousy. Every simple government, and every unbalanced mixture, must produce frequent instances, not only of ingratitude, but of injustice and bad policy, in the article of rewards and punishments; but in a mixed government, effectually balanced, it is rarely possible that real service, merit, and virtue, should go unrewarded. If the king is disposed to be ungrateful, the lords and commons will not suffer it; if the commons are ungrateful, the king and lords will do justice; if the lords are faulty, the king and commons will set all right. The chances of ingratitude, therefore, in such a government are much less, and the assurance of a just recompence of reward is much greater, while the danger of royal favouritism and popular extravagance are wholly avoided. As there is nothing of more essential importance to the preservation of liberty, the promotion of prosperity, and the exaltation of the dignity and grandeur of a state, than a just, generous, and steady rule of policy in rewards and punishments, it must, with all humble submission, be presumed, that a mixed government has an infinite advantage of all others in this respect. But of all imaginable governments, that of one assembly is the worst; for every man of the minority will be sure of ingratitude and injustice, let his service be what it will; nay, he will be in danger of punishment for his merit; and every man of the majority will be safe against punishment for many misdemeanors, and sure of excessive rewards for every trifling service. We may fairly conclude, upon the whole, that none of these six objections stand against a free government of three branches; but every one of them in full force against a single sovereign assembly.

“ To

“To educate the young fry in principles of First Rule  
“dislike and enmity against kingly government, of Policy.  
“and enter into an oath of abjuration, to abjure  
“a toleration of kings and kingly power in time  
“to come.”—This rule was made for Charles Stuart. Brutus made the Romans swear, “that  
“they never should suffer any man again to reign  
“at Rome. The Hollanders abjured Philip, his  
“family, and all kings, for ever.” These were inventions of aristocratical cunning, and the people were dupes for taking them. A king, meaning a single person vested with the whole executive, is the only remedy for the people, whenever the nobles get the better of them, and are on the scramble for unlimited power. Let every people have a care how they enslave themselves by such an oath, or lay themselves under the necessity of committing perjury: let them swear, if they will, never to be governed by an absolute monarch; but even this had better be omitted, for there are cases in which an absolute monarch is a less evil than a crowd of lawless lords. A better oath for the common people would be, never to intrust any part of the executive power to a senate, or, in other words, to the body of the gentlemen.

I am not without apprehensions that I have not made myself fully understood. The people, in all nations, are naturally divided into two sorts, the gentlemen and the simplemen, a word which is here chosen to signify the common people. By gentlemen are not meant the rich or the poor, the high-born or the low-born, the industrious or the idle, but all those who have received a liberal education, an ordinary degree of erudition in liberal arts and sciences, whether by birth they be descended from magistrates and officers of government, or from husbandmen, merchants, mechanics,



nics, or labourers; or whether they be rich or poor. We must nevertheless remember, that *generally* those who are rich, and descended from families in public life, will have the best educations in arts and sciences, and therefore the gentlemen will ordinarily, notwithstanding some exceptions to the rule, be the richer, and born of more noted families. By the common people we mean labourers, husbandmen, mechanics, and merchants in general; who pursue their occupations and industry without any knowledge in liberal arts or sciences, or in any thing but their own trades or pursuits; though there may be exceptions to this rule, and individuals may be found in each of these classes who may really be gentlemen.

Now it seems to be clear that the gentlemen in every country are and ever must be few in number, in comparison of the simplemen. If you please then, by the democratical portion of society we will understand the common people as before explained; by the aristocratical part of the community we will understand the gentlemen: the distinctions which have been introduced among the gentlemen into nobility, greater or lesser, are perfectly immaterial to our present purpose; knights, barons, earls, viscounts, marquisses, dukes, and even princes and kings, are still but gentlemen, and the word noble signifies no more than knowable, or conspicuous. But the gentlemen are more intelligent and skilful, as well as generally richer and better connected, and therefore have more influence and power than an equal number of the common people: there is a constant energy and effort in the minds of the former to increase the advantages they possess over the latter, and to augment their wealth and influence



influence at their expence. This effort produces resentments and jealousies, contempt, hatred, and fear, between the one sort and the other. Individuals among the common people endeavour to make friends, patrons, and protectors, among the gentlemen. This produces parties, divisions, tumults, and war: but as the former have most address and capacity, they gain more and more continually, until they become exorbitantly rich, and the others miserably poor. In this progress the common people are continually looking up for a protector among the gentlemen, and he who is most able and willing to protect them acquires their confidence. They unite together by their feelings, more than their reflections, in augmenting his power, because the more power he has, and the less the gentlemen have, the safer they are. This is a short sketch of the history of that progress of passions and feelings which has produced every simple monarchy in the world; and, if nature and its feelings have their course without reflection, they will produce a simple monarchy for ever. It has been the common people, then, and not the gentlemen, who have established simple monarchies all over the world: the common people, against the gentlemen, established a simple monarchy in Cæsar at Rome, in the Medici at Florence, &c. and are now in danger of doing the same thing in Holland; and if the British constitution should have its euthanasia in simple monarchy, according to the prophecy of Mr. Hume, it will be effected by the common people, to avoid the increasing oppressions of the gentlemen.

If this is the progress and course of things (and who does not know that it is?) it follows, that it is the true interest and best policy of the common people

people to take away from the body of the gentlemen all share in the distribution of offices, and management of the executive power. Why? Because if any body of gentlemen have the gift of offices, they will dispose of them among their own families, friends, and connexions; they will also make use of their votes in disposing of offices, to procure themselves votes in popular elections to the senate or other council, or to procure themselves appointments in the executive department. It is the true policy of the common people to place the whole executive power in one man, to make him a distinct order in the state, from whence arises an inevitable jealousy between him and the gentlemen; this forces him to become a father and protector of the common people, and to endeavour always to humble every proud aspiring senator, or other officer in the state, who is in danger of acquiring an influence too great for the law, or the spirit of the constitution. This influences him to look for merit among the common people, and to promote from among them such as are capable of public employments; so that the road to preferment is open to the common people much more generally and equitably in such a government, than in an aristocracy, or one in which the gentlemen have any share in appointments to offices.

From this deduction it follows, that the precept of our author, "to educate children (of the "common people) in principles of dislike and "enmity against kingly government, and enter "into an oath of abjuration to abjure a toleration "of kings and kingly powers," is a most iniquitous and infamous aristocratical artifice, a most formal conspiracy against the rights of mankind, and against that equality between the gentlemen  
and

and the common people which nature has established as a moral right, and law should ordain as a political right, for the preservation of liberty. By kings, and kingly power, is meant, both by our author and me, the executive power in a single person. American common people are too enlightened, it is hoped, ever to fall into such an hypocritical snare; the gentlemen too, it is hoped, are too enlightened, as well as too equitable, ever to attempt such a measure; because they must know that the consequence will be, that, after suffering all the evils of contests and dissensions, cruelty and oppression, from the aristocrats, the common people will perjure themselves, and set up an unlimited monarchy instead of a regal republic.

The second rule of policy is, "not to suffer  
" particular persons to grandise or greatnessen them- Second  
" selves more than ordinary; for that by the Ro- Rule.  
" mans was called 'affectatio regni,' an aspiring  
" to kingship." Melius and Manlius are again  
cited: "The name of the latter was ever after dis-  
" owned by his whole family, that famous family  
" of the Manlii, and both the name and memory  
" of him and of his consulship were razed out  
" of all public records by decree of the senate."  
—It is certainly an essential rule in a free govern-  
ment, to suffer no man to greatnessen himself above  
the law: but it is impossible it should ever be ob-  
served in a simple democracy or aristocracy. What  
might not Manlius have done, if Rome had been  
governed by a single sovereign assembly of repre-  
sentatives? It was the aristocracy that murdered  
Manlius, much against the will of the democracy,  
so that the instance is against the author. The  
Orange family in Holland are mentioned too; but



it is the common people who have supported that family, for their protection against the aristocracy. It is agreed, however, by many respectable writers, that the family of Orange have been dangerous in that state, because the people have no constitutional share in the government, and the authority exercised by the stadtholder is not legally defined: if the people, therefore, in their anger, should augment the power of that house too much above the aristocracy, it would be absolute; but if the people should expel that house, they must set up another, as well as demand a share in the legislature for themselves, or become slaves, and a prey to the aristocracy. It is a good rule for Holland to beware of too great a man; but it is equally necessary to beware of five thousand men, who may easily become too great. But in our author's Right Constitution the observance of the rule is impossible. The people, if unrestrained by a senate or a king, will set up some one man, and advance him to a greatness of dignity and authority inconsistent with liberty: as soon as any one in such a government gets the command in chief of an army, he has the state in his power. The common people in Holland would assist the army in making the prince absolute (if, indeed, the prince would accept of a gift that would ruin his country as well as his house) if they were not restrained by a standing aristocratical power, which our author abhors.

Third  
Rule.

Non diurnare imperia; "not to permit a continuation of command and authority in the hands of particular persons or families."—This rule is undoubtedly necessary to preserve a simple aristocracy or democracy; but it is impracticable in oth, and therefore it is impracticable to preserve



an aristocracy or democracy. But this is by no means a necessary or proper rule in a well constituted free government. Command and authority may be continued for any number of years, or for life, in the same hands, without the least danger; because, upon the smallest symptom of an inclination to abuse his power, he may be displaced by the executive, without danger or inconvenience: but in a simple aristocracy or democracy he cannot be removed at all; the majority will support him at all events; or, if they do not, the majority that removes him will be so small, that the minority who are his friends may often raise convulsions. It is a necessary rule, too, in such a mixed government as that of Rome, where, in the best of times, the people had an authority nearly equal to that of the senate. Where the mixture is of two powers only, and the executive is wholly in one of them, or partly in one, and partly in another, they are in continual danger of the tyranny of a single person, on account of the frequent disputes between the two branches about the exercise of the executive and judicial power; but where the executive is in one hand, the legislative in three, and the judicial in hands different from both, there is rarely, if ever, any danger from a continuance of command in any one. Livy had good reason in the Roman state to say, "*Libertatis magna custodia est, si magna imperia esse non fines, et temporis modus imponatur;*" it is a grand preservative of liberty if you do not permit "great powers and commands to continue long, and if you limit in point of time." And to this purpose the *Æmilian* law, if it could have been observed, would have been a good one. "The noble Roman, in the ninth book, spoke in character, when he said, '*Hoc quidem regno simile est,*' and this indeed is like  
" a king-

" a kingship, that I alone should bear this great  
 " office of censorship ' triennium et sex menses,'  
 " three years and six months, contrary to the Æmi-  
 " lian law." Livy too speaks in character, as a  
 good citizen of an aristocratical government, when  
 in his third book he speaks of a monstrous busi-  
 ness, that the ides of May were come (" which  
 " was the time of their year's choice") and yet  
 " no new election appointed: id vero regnum haud  
 " dubie videre, deploratur in perpetuum libertas;"  
 " it without doubt seems no other than a kingdom,  
 " and liberty is lost for ever." It was no doubt  
 " treason for any man to hold that high office of  
 " the dictatorship in his hand beyond six months.  
 " Cicero's Epistles to Atticus concerning Cæsar  
 " contain notable stuff to this purpose. The care  
 " of that people in not permitting any man to bear  
 " the same office twice together," was all in cha-  
 racter, because continuance in high office con-  
 stantly exposed the state and constitution to the  
 danger of being overturned, and converted into an  
 absolute monarchy. In this constitution too, in  
 consequence of the checks between the senate, the  
 tribunes, and the people, there was some chance  
 for having this law observed: but an Æmilian law,  
 in our author's " Right Constitution," would be  
 made to no purpose; it would be set aside, with-  
 out ceremony, when nothing but a vote of an all-  
 powerful majority would be wanting to set it at  
 defiance: but in a mixed constitution of three  
 branches, such a law, if made, would be punctu-  
 ally executed, much more exactly and certainly  
 than in the Roman constitution; but in such a  
 constitution such a law would be unnecessary, as  
 no danger can arise from the continuance of any  
 general or admiral in command. The same rea-  
 soning is applicable to the free states of Greece,  
 where

where, Aristotle tells us, "this rule was observed." The speech of Cincinnatus to the people, to persuade them to let him lay down his command, now the time was come, though the enemy was almost at the gates, and never more need, than at that time, of his valour and prudence, is a terrible example against our author's system: for, though "no persuasion would serve the turn, resign he would, telling them there would be more danger to the state in prolonging his power than from the enemy, since it might prove a pernicious precedent to the Roman freedom;" yet, as no more than two or three such characters as Cincinnatus appeared in seven hundred years, a statesman would be mad who should place the existence of his form of government upon the presumption that a succession of characters so disinterested would appear to resist the people themselves in their desire to violate a law. If the people at that period could forget a rule so essential to their safety, what are we to expect when they, and their idols too, are more corrupt? "M. Rutilius Censorinus, although he too made a speech against it, gave way to the people, when they forced him to undergo the office of censor twice together, contrary to the intent and practice of their ancestors, and accepted it upon this condition, that a law might pass against the title in that and other officers, lest it should be drawn into precedent in time to come." But our author all along mistakes the spirit of this rule; it was an aristocratical regulation altogether: it was the senate and patricians who procured it to be observed, from an aristocratical motive and principle; from a jealousy of the people on one side, and of kingly power on the other. It is the same spirit which precipitated Cassius and Manlius from the

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rock, and put Melius to death without ceremony. The people, or their representatives, if untroubled, would not probably ever make such a law; if they did, they would never long observe it: the people would not suffer it to be much or long observed in Rome, notwithstanding all the exertions of the aristocracy. The times soon came when Cincinnatus's and Censorinus's were not found to refuse power and office offered them against law, any more than Horatii and Valerii were found to postpone their private fortune to plebeian liberty. Even the Grecian aristocracies could not observe this rule. It was a law of Sparta that no man should be twice admiral; but Lysander had address enough to persuade his countrymen to give the title to Aratus, but the real command to himself, under the title of vice-admiral. Even in that which was in appearance the most democratical state of Greece, Achaia, Aratus had the real power and command when he was out of place, as much as when he was in. Our author mistakes too the spirit of the law, "that no tribune should be continued two years together." This law was a mere aristocratical artifice, to weaken the influence of the tribunes and their constituents, by preventing them from acquiring confidence, skill, and influence, by experience. If the people had understood their own cause, they would have insisted upon the privilege of choosing the same tribune as long as they approved his conduct.

**Fourth  
Rule.**

"Not to let two of one family to bear offices of high trust at one time, nor to permit a continuation of great powers in any one family." This rule is indispensable in aristocracies, where the sovereignty is in continual danger from individuals of great influence and powerful connections, where a jealousy



jealousy of popular men and measures must be constantly kept up to its highest pitch. The Roman rule, "*Ne duo vel plures ex unâ familiâ magnos magistratus gerant eodem tempore*, let not two or more of one family bear great offices at the same time;" and the other, "*Ne magna imperia ab unâ familiâ prescribantur*, let not great commands be prescribed or continued in one family;" were necessary aristocratical rules, because, as the patricians were always afraid of the people, who were continually urging for more power, a very powerful family, by joining with the people, might have changed the constitution. It is a wise and useful rule in general in all governments; but in a simple democracy, though it may be more necessary than in any other form, it is always impracticable; the people will set it aside whenever they please, and will always be sure to depart from it in favour of a favourite man or family: but in a mixed constitution of three branches there is less necessity of observing the rule with strictness, and more facility of observing it when necessary. It is very doubtful whether the constitution of Rome could have been longer preserved, if Cicero had joined Antony instead of Octavius. The people were now uncontrouled, and the senate had lost its authority; and the people behaved as they always do, when they pretend to exercise the whole executive and legislative power; that is, they set up immediately one man and one family for an emperor, in effect, sometimes respecting ancient forms at first, and sometimes rejecting them altogether. But of all rules, this is the least possible to persuade them to observe in such a case. The Florentine family of the Medici were set up in this manner by the people, who, as Machiavel informs us, aimed at all power, and a simple democracy;

mocracy; and in such cases "Cosimus is always easily admitted to succeed his cousin Alexander." It is not to be wondered at, that "Pompeius Columba stood up in the conclave, and shewed them how dangerous and prejudicial it must of necessity prove to the liberties of Italy, that the popedom should be continued in one house, in the hands of two brothers, one after another;" but if the election of a pope had depended upon the people of Florence, Julian de Medicis would have been chosen to succeed his brother, though Columba had harangued them with ever so much eloquence against it. A conclave of cardinals, and a body of people in a city, are very different electors. The continuation of power in the house of Orange is another instance in point; that family have been continued in power by the will of the people, very often expressed in outrageous fury, and very often much against the inclination of the aristocracy.

In every nation, under every form of government, public affairs were always managed by a very small number of families, compared with the whole number. In a simple democracy they will ever be conducted by the smallest number of all; the people will confer all upon a very few families at first, and upon one alone at length. "The Roman senate carried all by families; so does the senate of Venice;" but the number is greater than will ever be intrusted by a people who exercise the whole executive and legislative power in one assembly. But the largest number of families that can be introduced into actual confidence and service, in any combination of the powers of society, is in the composition of three branches; because here as many families are employed to represent the people by numbers, as to represent

represent property in the senate; and it is in such a form alone that so many families may be employed without confusion and sedition. Here then this rule of policy may be best observed, not to let two or more, unnecessarily, bear high offices at once; or, if there are several of a family whose merit is acknowledged, they may be employed without the smallest danger.

“To hold up the majesty and authority of their Fifth  
“suffrages or votes entire, in their senators or Rule.  
“supreme assemblies;” or, in other words, “to  
“maintain the free suffrages of senates or people,  
“untainted with the influence or mixture of any  
“commanding power; for if this were not secured from *controul* or *influence* of any other  
“power, then actum erat de libertate.” — To maintain the independence and integrity of suffrages, without corruption from flattery, artifice, bribes, or fear, is no doubt a good rule; but if the author here means that the power of the people should be absolute, and without controul from a senate or a first executive magistrate, it is begging the question, and, what is more, it is notoriously false and destructive.

“So long,” says our author, “as the Roman  
“people kept up their credit and authority as  
“sacred, in their tribunes and supreme assemblies,  
“so long they continued really free.” But how long was this? While they were only defending themselves from the tyranny of the senate; while they were greatly inferior to the senate in power; while they were increasing their own power by obtaining the office of tribune, by obtaining liberty to marry into patrician families, to be appointed ediles, consuls, censors, &c. : in short, while their power was inferior to that of the senate, and



controulable by it, they enjoyed as much liberty as ever was enjoyed under that government; but the moment they obtained an equality of power with the senate, they began to exercise more than their half, and to give it to their idols. "When, by their own neglect, they gave Sylla, and his party in the senate, an opportunity of power to curb them, then their suffrages (once esteemed sacred) were trodden under foot; for immediately after they came to debate and act but by courtesy, the authority left being by Sylla, after the expiration of his dictatorship, in the hands of the standing senate, so that it could never after be regained by the people. Cæsar, when he marched to Rome, deprived them also of the authority of their suffrages; only in a formal way made use of them; and so, under a shadow of legality, he assumed that power unto himself, which they durst not deny him." Our author is never weary of producing anecdotes and examples from history, which prove his own system to be infallibly destructive of liberty. It is a miserable consolation to a virtuous citizen, who has lost his liberty, to tell him that he has lost it "by the neglect and fault of his fellow-citizens in general;" it is the most humiliating and desperate slavery of all. If he had lost it by the simple usurpation of a single man or senate, without the fault of the people (if that indeed is a possible or supposable case) he might still entertain a hope of regaining it; but when we are told that a people lost their liberty by a neglect or fault that we know they will always commit when uncontrouled, is it not a conclusive argument for providing in the constitution an effectual controul? When the people exercise all powers in single assemblies, we know that the power of Sylla and Cæsar will always



ways mix in, and influence and controul : it is impossible, then, that in our author's form of government this fifth rule of policy ever should be observed, or the suffrages kept pure and upright.

" Just in the same manner dealt Cosmus in the  
" Florentine senate : he made use of their suffrages, but he had so played his cards before-  
" hand, that they durst not but yield to his ambition. So Tiberius first brought the suffrages  
" of the senate at his own devotion, that they  
" durst not but consent to his establishment, and  
" then so ordered the matter, that he might seem  
" to do nothing, not only without their consent,  
" but to be forced to accept the empire by their  
" intreaty ; so that you see there was an empire in  
" effect, long before it was declared in formality."

Will duplicity be less practicable, or less common, in an assembly of the people than in a senate? May not an empire or despotism in effect, though democratical in form, be less difficult to accomplish than even under an aristocratical form? Empire of particular men will exist in effect under every simple form, and every unequal mixture : an empire of laws in reality can be maintained only in an equal mixture of all three.

" That the people be continually trained up in  
" the exercise of arms, and the militia lodged  
" only in the people's hands, or that part of them  
" which are most firm to the interest of liberty,  
" that so the power may rest fully in the disposition of their supreme assemblies."—The limitation to " that part most firm to the interest of  
" liberty," was inserted here, no doubt, to reserve the right of disarming all the friends of Charles Stuart, the nobles and bishops. Without stopping to enquire into the justice, policy, or necessity of  
H h 4 this,

Sixth  
Rule.

this, the rule in general is excellent: all the consequences that our author draws from it, however, cannot be admitted. One consequence was, according to him, "that nothing could at any time be imposed upon the people but by their consent," that is, by the consent of themselves, or of such as were by them intrusted. As Aristotle tells us, in his fourth book of Politics, the Grecian states ever had special care to place the use and exercise of arms in the people, because the commonwealth is theirs who hold the arms: the sword and sovereignty ever walk hand in hand together." This is perfectly just. "Rome, and the territories about it, were trained up perpetually in arms, and the whole commonwealth, by this means, became one formal militia. There was no difference in order between the citizen, the husbandman, and the soldier." This was the "usual course, even before they had gained their tribunes and assemblies; that is, in the infancy of the senate, immediately after the expulsion of their kings." But why does our author disguise that it was the same under the kings? This is the truth; and it is not honest to conceal it here. In the times of Tarquin, even, we find no standing army, "not any form of soldiery;"—"nor do we find, that in after times they permitted a deposition of the arms of the commonwealth in any other way, till their empire increasing, necessity constrained them to erect a continued stipendiary soldiery abroad, in foreign parts, either for the holding or winning of provinces." Thus we have the truth from himself; the whole people were a militia under the kings, under the senate, and after the senate's authority was tempered by popular tribunes and assemblies; but after the people

people acquired power, equal at least, if not superior to the senate, then "forces were kept up, the ambition of Cinna, the horrid tyranny of Sylla, and the insolence of Marius, and the self ends of divers other leaders, both before and after them, filled all Italy with tragedies, and the world with wonder." Is not this an argument for the power of kings and senates, rather than the uncontroulable power of the people, when it is confessed that the two first used it wisely, and the last perniciously? The truth is, as he said before, "the sword and sovereignty go together." While the sovereignty was in the senate under kings, the militia obeyed the orders of the senate given out by the kings; while the sovereignty was in the senate, under the consuls, the militia obeyed the orders of the senate given out by consuls; but when the sovereignty was lost by the senate, and gained by the people, the militia was neglected, a standing army set up, and obeyed the orders of the popular idols. "The people, seeing what misery they had brought upon themselves, by keeping their armies within the bowels of Italy, passed a law to prevent it, and to employ them abroad, or at a convenient distance: the law was, that if any general marched over the river Rubicon, he should be declared a public enemy;" and in the passage of that river this following inscription "was erected, to put the men of arms in mind of their duty: *Imperator, five miles, five tyrannus armatus quisque, sistito vexillum, armaque deponito, nec citra hunc amnem trajicito;* general, or soldier, or tyrant in arms, whosoever thou be, stand, quit thy standard, and lay aside thy arms, or else cross not this river." But to what purpose was the law? Cæsar knew the people now to be



be sovereign, without controul of the senate, and that he had the confidence both of them and his army, and *cast the die*, and erected "prætorian bands, instead of a public militia; and was followed in it by his successors, by the Grand Signior, by Cosmus the first great duke of Tuscany, by the Muscovite, the Russian, the Tartar, by the French," and, he might have added, by all Europe, who by that means are all absolute, excepting England, because the late king Charles I. who attempted it, did not succeed; and because our author's "Right Constitution of a Commonwealth" did not succeed: if it had, Oliver Cromwell and his descendants would have been emperors of Old England as the Cæsars were of Old Rome. The militia and sovereignty are inseparable. In the English constitution, if the whole nation were a militia, there would be a militia to defend the crown, the lords, or the commons, if either were attacked: the crown, though it commands them, has no power to use them improperly, because it cannot pay or subsist them without the consent of the lords and commons; but if the militia are to obey a sovereignty in a single assembly, it is commanded, paid, subsisted, and a standing army too may be raised, paid, and subsisted, by the vote of a majority; the militia then must all obey the sovereign majority, or divide, and part follow the majority, and part the minority. This last case is civil war; but until it comes to this, the whole militia may be employed by the majority in any degree of tyranny and oppression over the minority. The constitution furnishes no resource or remedy; nothing affords a chance of relief but rebellion and civil war: if this terminates in favour of the minority, they will tyrannize in their turns, exasperated by revenge;



venge, in addition to ambition and avarice; if the majority prevail, their domination becomes more cruel, and soon ends in one despot. It must be made a sacred maxim, that the militia obey the executive power, which represents the whole people in the execution of laws. To suppose arms in the hands of citizens, to be used at individual discretion, except in private self-defence, or by partial orders of towns, counties, or districts of a state, is to demolish every constitution, and lay the laws prostrate, so that liberty can be enjoyed by no man—it is a dissolution of the government. The fundamental law of the militia is, that it be created, directed, and commanded by the laws, and ever for the support of the laws. This truth is acknowledged by our author, when he says, “The arms of the commonwealth should be lodged in the hands of that part of the people which are firm to its establishment.”

“Children should be educated and instructed in the principles of freedom. Aristotle speaks plainly to this purpose, saying, ‘that the institution of youth should be accommodated to that form of government under which they live; forasmuch as it makes exceedingly for the preservation of the present government,’ whatever it be.”—It is unnecessary to take pains to shew, that the “impressions men receive in youth are retained in full age, though never so bad, unless they happen, which is very rare, to quit the corrupt principles of education by an excellent reason and sound judgment;” nor is it necessary to cite the testimonies “of Plutarch or Isocrates,” Plato or Solomon, or “Cæsar’s Commentaries,” nor the examples of “Greece or Gallia,” and her “Druids.”—The example of the

Seventh Rule.  
difficulty

difficulty the Romans found to establish their aristocracy upon the ruins of monarchy, arising from the education of their youth (even the sons of Brutus) in different principles, and the obstructions experienced by the Cæsars in establishing despotism among a people educated under a commonwealth, are apposite enough. Education is more indispensable, and must be more general, under a free government than any other. In a monarchy, the few who are likely to govern must have some education, but the common people must be kept in ignorance; in an aristocracy, the nobles should be educated, but here it is even more necessary that the common people should be ignorant; but in a free government knowledge must be general, and ought to be universal. Yet such is the miserable blindness of mankind, that in our author's "Right Constitution" it is very doubtful whether the pitiful motive of saving the expence would not wholly extinguish public education. If there were not a senate, but the people in one assembly ruled all, it is a serious question, whether there is one people upon earth so generally generous and intelligent, as to maintain schools and universities at the public expence. The greater number of every people are still ignorant; and although their leaders might artfully persuade them to a thousand idle expences, they would not be able to persuade them to this. Education, then, must be supported by private munificence; and this source, although sufficient to maintain a few schools and a university in a great nation, can never be sufficient to maintain schools in sufficient numbers to educate a whole people. Where a senate is preserved, it is always a maxim with them to respect learning, and educate their own families; their example is followed by all others,

whq

who are any way in easy circumstances : in a government of three branches, commoners as well as nobles are under a necessity of educating their children, because they hope to be called to public service, where it is necessary. In all the mixed governments of antiquity, education was necessary, and where the people had a share it was the most generally practised ; but in a simple government it never was general. In Sparta it was far from being general ; it was confined to youth of family ; so it was under the aristocracy in Rome : and although we have no examples of simple democracy to recur to, we need only consider, that the majority must be ignorant and poor ; and recollect the murmurs and opposition made by numbers of the lowest classes, who are often joined for sinister purposes by some men of consequence, to be convinced, that a general public education never can long exist in a simple democracy ;—the stinginess, the envy, and malignity of the base and ignorant, would be flattered by the artful and designing, and the education of every family left to its own expence, that the rich only might have their children educated.

“ To use liberty with moderation, lest it turn  
“ to licentiousness ; which, as it is a tyranny it- Eighth  
“ self, so it usually occasions the corruption and Rule.  
“ conversion of a free state into monarchical  
“ tyranny.”—This is a caution to the people, and  
can do no harm ; but will do little more good,  
than “ be ye warmed, and be ye clothed,” will  
relieve the wants of the poor. Lectures, and ser-  
mons, and admonitions, will never be sufficient to  
make all men virtuous ; political, as well as mo-  
ral, writers and exhorters will spend their ink and  
breath, not in vain, it is to be hoped, but with-  
out



out completely reforming the world, and restoring innocence and purity to all mankind. How then is the tyranny of licentiousness to be avoided? By the energy of laws. And where will be the energy of law, when a majority may set it aside upon every question? Will not the licentious rich man, who has perhaps greater influence in elections for his licentiousness, be protected from punishment by his party in the house? Will not the continual prostitution of judgment in the executive courts, to the views of a political party, increase and propagate licentiousness? Will not the daily prostitution of the executive power, by bestowing offices, not for virtue or abilities, but merely for party merit, daily increase licentiousness? Will not the appropriation of the public money to elections increase the means of debauchery among the vicious? Will not the minor party be necessitated to imitate the majority in these practices as much as possible, in order to keep themselves in any hopes? When their hopes are gone, they must join the other side in worshipping the same idols, who then become complete despots. In our author's plan of government, then, his caution against licentiousness will be thrown away; but in a mixed government it will be extremely useful. The laws may be made to concur with sermons, and the scourge, the pillory, and the gallows, may enforce the precepts of moral writers: the magistrate may be a terror to evil doers, and a praise to them that do well, instead of being a terror only to the minority, and a praise to those who oppress them. As cautions and admonitions, therefore, are undoubtedly useful in a government truly free, though idle and trifling in a simple democracy, let us proceed to consider those of our author.

His



His first caution under this eighth rule of policy is, "It is above all things necessary to avoid civil dissensions;" and "the uttermost remedy is not to be used upon every distemper or defect of those that shall be intrusted with the people's power and authority." How charming it is for brothers to live in harmony! The smallest things increase by concord! How many beautiful sentiments, in heavenly numbers, from writers sacred and profane, might be said or sung in honour of peace, concord, harmony, and brotherly love! Repetitions of them from age to age have been made, no doubt, to the edification and comfort of many; but, alas! dissensions still exist, and daily arise, in every nation, city, village, and, I fear, I may add family, in the whole world. Something more efficacious, then, than moral song, ingenious fable, philosophic precept, or Christian ordinance, with reverence be it spoken, must be employed in society, or dissensions will still ravage and desolate the world. In a simple democracy the citizens will not all think alike; various systems of policy will be approved by different persons; parties will be formed, even with the best intentions, and from the purest motives; others will be formed from private views and from base motives: the majority must decide, and, to obtain this, the good will be obliged to unite with the bad, and probably there will be no circle or combination, no club or party in the house, but will be composed partly of disinterested men, and partly by interested ones, partly by the virtuous, and partly by the vicious; honest men and knaves, wise men and fools, will be kneaded together in every mass. Out of the collisions of these dissensions unavoidably grow, and therefore some provision must be made to decide them. An up-

First  
Caution.

right independent tribunal, to judge of controversies, is indispensable; and an upright, independent, judiciary tribunal, in a simple democracy, is impossible. The judges cannot hold their commissions but *durante bene placito* of the majority; if a law is made, that their commissions shall be *quamdiu se bene gesserint*, this may be repealed whenever the majority will, and, without repealing it, the majority only are to judge when the judges behave amiss, and therefore have them always at mercy. When disputes arise between the rich and poor, the higher and the lower classes, the majority in the house must decide them; there is no possibility, therefore, of having any fixed rule to settle disputes and compose contentions: but in a mixed government the judges cannot be displaced but by the concurrence of two branches, who are jealous of each other, and can agree in nothing but justice;—the house must accuse, and the senate condemn; this cannot be without a formal trial, and a full defence. In the other, a judge may be removed, or condemned to infamy, without any defence, or hearing, or trial. This part of our author's caution, then, is vain, useless, and idle, in his own form of government, but wise, just, and excellent, in a government properly mixed: such cautions are provided by the constitution itself, that civil dissensions can scarcely ever arise; or, if they do, may be easily composed.

The other part of the caution, "that the uttermost remedy is not to be used upon every distemper or default of those that shall be intrusted with the people's power and authority," is, in a simple democracy, totally useless and impracticable. There is no other remedy but the uttermost for any distemper or default: the courts

courts of justice, being tools of the majority, will give no remedy to any of the minority; petitions and remonstrances to the house itself, against its own proceedings, will be despised or resented; so that there can be absolutely no remedy but in arms, or by the enormity of tumult, dissension, and sedition, which I suppose are meant by "the uttermost remedy."

It is very true, as our author says, "if one inconvenience happen in government, the correction or curing of it by violence introduceth a thousand; and for a man to think civil war or the sword is a way to be ordinarily used for the recovery of a sick state, it were as great a madness as to give strong waters in a high fever; or as if he shall let himself blood in the heart to cure the aching of his head." This is perfectly just, and expressed with great beauty, propriety, and force: yet it is certain, that a member of the minor party, in Nedham's and Turgot's government, has no chance for any other remedy; and even this is often as desperate as it is always dreadful, because the weaker must attack the stronger. If the only expedient to "confute the arguments" against such a collection of authority in one centre be, that such a people "give them the lye by a discreet and moderate behaviour in all their proceedings, and a due reverence of such as they have once elected and made their superiors," these arguments will never be confuted, and the cause of liberty is desperate; because it is as desperate to expect that a majority uncontrouled should behave always discreetly and moderately, as to expect that all men will be wise and good.

Our author's criterion for determining the cases in which the people (in whom "all majesty and authority fundamentally resides, being only mi-



“ nisterially in their trustees or representatives)  
 “ may use sharp and quick remedies for the cure  
 “ of a commonwealth,” is very judicious, and has  
 been the rule in all English revolutions since—  
 “ in such cases only as are manifest intrenchments,  
 “ either in design or in being, by men of power,  
 “ upon the fundamentals or essentials of their li-  
 “ berty, without which liberty cannot consist.”—  
 This rule is common to him and Milton, and has  
 been adopted by Sidney, Locke, Burnet, Hoad-  
 ley : but this rule is useless in a simple democracy.  
 The minority have no chance for justice in smaller  
 cases, because every department is in the hands of  
 their enemies ; and when the tyranny arrives at  
 this last extremity, they have no hope, for all the  
 means, at least the most of the means, of quick  
 and sharp remedies, are in the hands of their ene-  
 mies too ; so that the most desperate, irremediable,  
 and forlorn condition of liberty, is in that very  
 collection of all authority into one centre, that our  
 author calls “ a right Constitution of a Com-  
 “ monwealth.”

The instance brought by our author to illustrate  
 his meaning, proves the same thing. In that con-  
 tention of three hundred years in Rome, between  
 the senate and people, about the division of the  
 conquered lands, the people made a law that no  
 citizen should possess above five hundred acres of  
 land. The senators cried it was an abridgment of  
 liberty ; the people cried it was inconsistent with  
 liberty, that the senators should engross too much  
 wealth and power. Livy says, “ the people were  
 “ right, and the senators wrong, but that both did  
 “ ill in making it a ground of civil dissension ;” for  
 the Gracchi, instead of finding out moderate ex-  
 pedients to reduce the senators to reason, proceeded  
 with



with such heat and violence, that the senate was forced to choose Sylla for their general; which being observed by the people, they also raised an army, and made Marius their general, and herein came to a civil war, "which, through fines, banishment, inhuman cruelties acted on both sides, defeats in the open field, and massacres within the city, cost the best blood and estates of the nobility and commons, and in the end cost them their liberty, for out of the root of this sprang that civil war between Pompey and Cæsar." All this again, which is true and just, shews that our author had read the Roman history with discernment, and renders it more unaccountable that he should have perverted so much good sense and learning to support a fantastical image, that he must have seen could not endure. The example in question shews more than the impracticability of liberty in a simple democracy; it shews the imperfection of a mixture of two powers, a senate and people. In a simple democracy, whatever dispute arises, whether about a division of lands, or any thing else, must be decided by the majority; and if their decree is unjust, there is no remedy but to appoint Sylla and Marius generals. In the Roman mixture of two powers there is no remedy to decide the dispute, but to appoint Sylla and Marius, Pompey and Cæsar; but when there are three branches, after two have offered all possible arguments, and cannot agree, the third has only to consider which is nearest justice, and join with that, to decide the controversy and restore the peace. It shall readily be granted, that the civil war between Marius and Sylla was needless, and about an object which did not immediately affect the fundamentals of the constitution; yet indirectly it did; and the fact is, that the struggle now  
I i 2 began

began to be serious which should be master. It was no longer a question, whether the senate should be restrained, but whether the people should be masters. The army under Pompey was necessary. Why? To prevent the people from being masters, and to defend the existence of the senate. The people indeed were already masters, and would have an idol. The instance of Charles the First may be equally applicable; but those times afford as melancholy an example of a dominatio plebis, as they do a successful one of resistance to a tyrant. But if any one thinks these examples and cautions, without a balance in the constitution, will instruct people how to demean themselves, and avoid licentiousness, tumult, and civil dissension, and in all “the necessary points of prudence and forbearance which ought to take place in respect of superiors, till it shall evidently appear unto a people, that there is a design on foot to surprize and seize their liberties,” he will be miserably mistaken. In a simple democracy they will rise in arms, a thousand times, about common affairs of meum and tuum, between the major and minor party, before any fundamental attack shall be made on the constitution.

Second  
Caution.

“That in all elections of magistrates, they have an especial eye upon the public, in making choice of such persons only as have appeared most eminent and active in the establishment and love of freedom.”

But suppose any of the people should love their friends better than liberty, and themselves better than the public, as nine tenths of the people did in the purest moments of Grecian and Roman liberty, even when Aristides appeared as a rare phenomenon in one, and Cincinnatus in the other? In

was it possible for such a man to be a citizen? such a man

such case they will vote for their friends, though royalists, papists, malignants, or call them by what name you will. In our author's "Right Constitution" many will vote for a treat, many for a job, some for exemption from punishment for a crime, some for a monopoly, and some for the promise of an office. This will not be virtuous, but how can you help that?

"In the hands of those," says our author, "who have appeared most eminent and active in the establishment of freedom, may be safely placed the guardianship of liberty; because such men have made the public interest and their own all one, and therefore will neither betray nor desert it in prosperity or adversity." This was modestly bespeaking unlimited confidence for Oliver Cromwell and his associates; and such blind, rash confidence has surrendered the liberties of all nations: but it is not the language nor the maxim of liberty; her universal precept should be, *trust not to human nature, without a controul, the conduct of my cause*. To lay it down "as a certain rule, that if any person be admitted into power that loves not the commonwealth above all considerations, such a man is every man's money; any state-merchant may have him for a factor; and for good consideration he will often make returns upon the public interest, have a stock going in every party, and with men of every opinion; and, if occasion serve, truck with the common enemy and commonwealth both together," is perhaps to rely upon a patriotism that never existed in any whole nation. It is to be feared the commonwealth would suffer in most countries: but admitting so exalted an opinion of the patriotism of any given country, it will still remain true, that there will be differences of sentiment concerning



the good of the commonwealth; and the parties formed by these divisions, if uncontrouled, will have all the ill consequences that have been pointed out. The more sincerely parties love the republic, with so much the more ardour will they pursue their own notions of its good. Aristotle's opinion, in the first book of his *Politics*, "Per negligentiam mutatur status reipublicæ, cum ad potestates assumuntur illi qui presentem statum non amant; the form of a commonwealth is then altered by negligence, when those men are taken into power who do not love the present establishment," may be well founded; and yet it may not follow that it is safe to trust omnipotence to those who are well affected, nay even to those who really love the commonwealth above all other things, and prefer her good to their own, since that character may change, and those virtues too may not be accompanied with so many motives and so many advantages of information, in what the good of the public consists, as may be had in a division and mixture of powers. It is a good rule "to avoid those who hate the commonwealth, and those who are neutral and indifferent about it;" and no doubt most of the broils, tumults, and civil dissensions, in free states, have been occasioned by "the ambitious, treacherous, and indirect practices of such persons admitted into power, as have not been firm in their hearts to the interests of liberty." But how shall the people know whose heart will stand the trial, when so many people have been disappointed before them? Rome is again quoted as an example; and the senate are said to have garbled, perplexed, and turmoiled the people's affairs, concerns, and understandings: but although this is true, it is equally so that the people perplexed their own affairs,



fairs, and those of the senate too.—You, who have pardoned already so many digressions, will easily excuse another in this place. The words virtue and patriotism might have been enumerated among those of various and uncertain signification. Montesquieu's Spirit of Laws is a very useful collection of materials; but is it too irreverent to say that it is an unfinished work \*? He defines a republican government to be “that in which the body, or only a part of the people, is possessed of the supreme power †.” This agrees with Johnson's definition, “a state in which the government is more than one.”—“When the body of the people,” says Montesquieu ‡, “in a republic, are possessed of the supreme power, this is called a democracy: when the supreme power is lodged in the hand of a part of the people, it is then an aristocracy.” And again §, “it is the nature of a republican government, that either the collective body of the people, or particular friends, should be possessed of the sovereign power. In a popular state, virtue is the necessary spring of government ||. As virtue is necessary in a popular government, so it is necessary also under an aristocracy. True it is, that in the latter it is not so absolutely requisite.” Does this writer mean that honour and fear, the former of which he calls the principle of monarchy, and the latter of despotism, cannot exist in a republic? or that they are not necessary? Fear, surely, is necessary in a republican government: there can be no government without hopes and fears. Fear then, in truth, is at least one principle

\* C'est le portefeuille d'un homme, d'esprit, qui a été jette par le fenetre et ramassée par des fots, said Voltaire.

† Spirit of Laws, book ii. c. 1.

‡ B. ii. c. 2.

§ B. iii. c. 2.

|| B. iii. c. 3.

in every kind of government, in the simplest democracy as well as the simplest despotism. This arrangement, so exact and systematical in appearance, and which has been celebrated as a discovery of the principles of all government, is by no means satisfactory, since virtue and honour cannot be excluded from despotisms, nor fear nor virtue from monarchies, nor fear nor honour from republics; but at least it is apparent that in a republic, constituted as we propose, the three principles of fear, honour, and virtue, unite and produce more union among the citizens, and give greater energy to the laws.—But not to enlarge on this, let us proceed to the enquiry, what is virtue? It is not that classical virtue which we see personified in the choice of Hercules, and which the ancient philosophers summed up in four words, prudence, justice, temperance, and fortitude. It is not Christian virtue, so much more sublime, which is summarily comprehended in universal benevolence. What is it then? According to Montesquieu\*, it should seem to be merely a negative quality; the absence only of ambition and avarice: and he thinks that what he thus advances is confirmed by the unanimous testimony of historians. But is this matter well considered? Look over the history of any republic, and can you find a period in it, in which ambition and avarice do not appear in very strong characters, and in which ambitious men were not the most popular. In Athens, Pisistratus and his successors were more popular, as well as ambitious, than Solon, Themistocles than Aristides, &c. In Rome, under the kings, the eternal plots of the nobles against the lives of the kings, to usurp their thrones, are proofs of an ardent and unbridled ambition. Nay, if we attentively examine the most

\* Book iii. c. 3.

virtuous characters, we shall find unequivocal marks of an ardent ambition. The elder Brutus, Camillus, Regulus, Curius, Æmilius, Cato, all discover an ambition, a thirst of glory, as strong as that of Cæsar: an honourable ambition, an ambition governed by justice, if you will; but an ambition still. But there is not a period, in Athenian or Roman annals, when great characters did not appear actuated by ambition of another kind; an unjust and dishonourable ambition: such as Pisistratus, Themistocles, Appius Claudius, &c. and these characters were always more popular than the others, and were supported chiefly by plebeians, not senates and patricians. If the absence of avarice is necessary to republican virtue, can you find any age or country in which republican virtue has existed? That single characters, or a few among the patricians, have existed, who were exempt from avarice, has been already admitted; but that a moment ever existed, in any country, where property was enjoyed, when the body of the people were universally or even generally exempted from avarice, is not easy to prove. Every page of the history of Rome appears equally marked with ambition and avarice; and the only difference appears in the means and objects. In some periods the nation was extremely poor, in others immensely rich; but the passions existed in all; and the Roman soldiers and common people were for ever quarrelling with their most virtuous generals, for refusing to indulge their avarice, by distributing the spoils among them, and for loving the public too well, by putting the booty into the public treasury. Shall we say then that republican virtue is nothing but simple poverty; and that poverty alone can support such a government? But Montesquieu



tesquieu tells us \*, virtue in a republic, is a love of the republic ; virtue in a democracy, is love of the democracy : and why might he not have said, that virtue in a monarchy, is a love of the monarchy ; in a despotism, of the despot ; in a mixed government, of the mixture ? Men in general love their country and its government. Can it be proved that Athenians loved Athens, or Romans Rome, more than Frenchmen love France, or Englishmen their island ? There are two principal causes of discrimination.—The first is, the greatness or smallness of the state. A citizen of a small republic, who knows every man and every house in it, appears generally to have the strongest attachment to it, because nothing can happen in it that does not interest and affect his feelings : but in a great nation, like France or England, a man is as it were lost in the crowd ; there are very few persons that he knows, and few events that will much affect him ; yet you will find him as much attached to his circle of friends and knowledge as the inhabitant of the small state.—The second is, the goodness or badness of the constitution, the climate, soil, &c. Other things being equal, that constitution, whose blessings are the most felt, will be most beloved ; and accordingly we find, that governments the best ordered and balanced have been most beloved, as Sparta, Athens, Carthage, Rome, and England, and we might add Holland, for there has been, in practice and effect, a balance of three powers in that country, though not sufficiently defined by law. Moral and Christian, and political virtue, cannot be too much beloved, practised, or rewarded ; but to place liberty on that foundation only would not be safe : but

\* Book v. c. 2, 3.



it may be well questioned, whether love of the body politic is precisely moral or Christian virtue, which requires justice and benevolence to enemies as well as friends, and to other nations as well as our own. It is not true, in fact, that any people ever existed who loved the public better than themselves, their private friends, neighbours, &c. and therefore this kind of virtue, this sort of love, is as precarious a foundation for liberty as honour or fear: it is the laws alone that really love the country, the public, the whole better than any part; and that form of government which unites all the virtue, honour, and fear of the citizens, in a reverence and obedience to the laws, is the only one in which liberty can be secure, and all orders, and ranks, and parties, compelled to prefer the public good before their own;—that is the government for which we plead. The first magistrate may love himself, and family, and friends, better than the public, but the laws, supported by the senate, commons, and judges, will not permit him to indulge it; the senate may love themselves, their families, and friends, more than the public, but the first magistrate, commons, and judges, uniting in support of public law, will defeat their projects; the common people, or their representatives, may love themselves and partial connections better than the whole, but the first magistrate, senate, and judges, can support the laws against their enterprizes; the judges may be partial to men or factions, but the three branches of the legislature, united to the executive, will easily bring them back to their duty. In this way, and in no other, can our author's rule be always observed, “to avoid all who hate the commonwealth, and those who are neutral and indifferent about it.”

Montesquieu

Montesquieu adds \*, “ a love of democracy is “ that of equality.” But what passion is this? Every man hates to have a superior, but no man is willing to have an equal; every man desires to be superior to all others. If the meaning is, that every citizen loves to have every other brought down to a level with himself, this is so far true, but is not the whole truth; when every man is brought down to his level, he wishes them depressed below him; and no man will ever acknowledge himself to be upon a level or equality with others, till they are brought down lower than him.—Montesquieu subjoins, “ a love of the democracy is likewise that of frugality.” This is another passion not easily to be found in human nature. A passion for frugality, perhaps, never existed in a nation, if it ever did in an individual. It is a virtue: but reason and reflection prove the necessity and utility of this virtue; and, after all, it is admired and esteemed more than beloved. But to prove that nations, as bodies, are never actuated by any such passion for frugality, it is sufficient to observe, that no nation ever practised it but from necessity. Poor nations only are frugal, rich ones always profuse; excepting only some few instances, when the passion of avarice has been artfully cultivated, and became the habitual national character: but the passion of avarice is not a love of frugality. Is there, or is there not, any solid foundation for these doubts? Must we bow with reverence to this great master of laws, or may we venture to suspect that these doctrines of his are spun from his imagination? Before he delivered so many grave lessons upon democracies, he would have done well to have

\* Spirit of Laws, book v. chap. 3.

shown when or where such a government existed. Until some one shall attempt this, one may venture to suspect his love of equality, love of frugality, and love of the democracy, to be fantastical passions, feigned for the regulation and animation of a government that never had a more solid existence than the flying island of Lagado.

Suppose we should venture to advance the following propositions, for further examination and reflection.

1. No democracy ever did or can exist.
2. If, however, it were admitted, for argument sake, that a democracy ever did or can exist, no such passion as a love of democracy, stronger than self-love, or superior to the love of private interest, ever did, or ever can, prevail in the minds of the citizens in general, nor of a majority of them, nor in any party or individual of them.
3. That if the citizens, or a majority of them, or any party or individual of them, in action and practice, preferred the public to his private interest, as many undoubtedly would, it would not be from any such passion as love of the democracy, but from reason, conscience, a regard to justice, and a sense of duty and moral obligation; or else from a desire of fame, and the applause, gratitude, and rewards of the public.
4. That no love of equality, at least since Adam's fall, ever existed in human nature, any otherwise than as a desire of bringing others down to our own level, which implies a desire of raising ourselves above them, or depressing them below us. That the real friends of equality are such from reflection, judgment, and a sense of duty, not from any passion, natural or artificial.
5. That no love of frugality ever existed as a passion,



passion, but always as a virtue, approved by deep and long reflection, as useful to individuals as well as the democracy.

6. That therefore the democracy of Montesquieu, and its principle of virtue, equality, frugality, &c. according to his definitions of them, are all mere figments of the brain, and delusive imaginations.

7. That his passion of love of the democracy would be, in the members of the majority, only a love of the majority; in those of the minority, only a love of the minority.

8. That his love of equality would not even be pretended towards the members of the minority, but the semblance of it would only be kept up among the members of the majority.

9. That the distinction between nature and philosophy is not enough attended to; that nations are actuated by their passions and prejudices; that very few, in any nation, are enlightened by philosophy or religion enough to be at all times convinced that it is a duty to prefer the public to a private interest, and fewer still are moral, honourable, or religious enough to practise such self-denial.

10. Is not every one of these propositions proved, beyond dispute, by all the histories in this and the preceding volumes, by all the other histories of the world, and by universal experience?

11. That, in reality, the word democracy signifies nothing more nor less than a nation or people without any government at all, and before any constitution is instituted.

12. That every attentive reader may perceive, that the notions of Montesquieu, concerning a democracy, are imaginations of his own, derived from the contemplation of the reveries of Xenophon  
and



and Plato, concerning equality of goods and community of wives and children, in their delirious ideas of a perfect commonwealth.

13. That such reveries may well be called delirious, since, besides all the other arguments against them, they would not extinguish the family spirit, or produce the equality proposed; because, in such a state of things, one man would have twenty wives, while another would have none, and one woman twenty lovers, while others would languish in obscurity, solitude, and celibacy.

A third caution is, "that in all their elections  
"of any into the supreme court or council, they  
"be not led by any bent of faction, alliance, or  
"affection, and that none be taken in but purely  
"on the account of merit."—This is the rule of  
virtue, wisdom, and justice; and if all the people  
were wise and just they would follow it: but  
how shall we make them so, when the law of God,  
in nature and in revelation, has not yet effected  
it? Harrington thinks, that advising men to be  
mannerly at the public table, will not prevent  
some from carving for themselves the best parts,  
and more than their shares. Putting "men in au-  
"thority who have a clear reputation of tran-  
"scendent honesty and wisdom, tends, no doubt,  
"to silence gainsayers, and draw the consent and  
"approbation of all the world;" but how shall  
we prevent some from getting in, who are tran-  
scendent only in craft, hypocrisy, knavery, or folly?  
The best way that can be conceived of, surely, is  
to separate the executive power from the legisla-  
tive, make it responsible to one part of the legis-  
lature, on the impeachment of another, for the  
use of its power of appointment to offices, and  
to

Third  
Caution.

to appoint two assemblies in the legislature, that the errors of one may be corrected by the other.

**Fourth  
Caution.**

“ To avoid false charges, accusations, and calumniations, against persons in authority, which are the greatest abuses and blemishes of liberty, and have been the most frequent causes of tumult and dissension ;” though “ it is the secret of liberty, that all magistrates and public officers be kept in an accountable state, liable to render an account of their behaviour and actions, and that the people have freedom to accuse whom they please.”—Difficult as it is to reconcile these necessary rules in a free government, where an independent grand jury protects the reputation of the innocent, and where a senate judges of the accusations of the commons, how can it be done in a simple democracy, where a powerful majority, in a torrent of popularity, influences the appointment of grand and petit juries, as well as the opinion of the judges, and where a triumphant party in the legislature is both accuser and judge? Is there not danger that an accuser belonging to the minor party will be punished for calumnation, though his complaint is just; and that an accused of the minor party will be found guilty, though innocent; and an accused of the major party acquitted, though guilty? It is ridiculous to hope that magistrates and public officers will be really responsible in such a government, or that calumniations will be discountenanced except on one side of the house. The ostracisms and petalisms of antiquity, however well intended against suspected men, were soon perverted by party, and turned against the best men and the least suspicious; and in the same manner it is obvious, that responsibility and calumnation in a simple democracy

cracy will be mere instruments in the hands of the majority, to be employed against the best men of an opposite party, and to screen the worst in their own. The Romans, by their caution, to retain in full force and virtue that decree of the senate, called *Turpitianum*, whereby a severe fine was set on the heads of all calumniators and false accusers, at the same time that they retained the freedom of keeping all persons accountable, and accusing whom they pleased, although they preserved their state a long time from usurpation of men in power on one side, and from popular clamour and tumult on the other side, we must remember had a senate to check the people, as well as to be checked by them; and yet even this mixture did not prevent the Gracchi, Marius, Sylla, and Cæsar, from usurping, nor the people from being tumultuous, as soon as they obtained even an equality with the senate: so that their example cannot convince us that either of these rules can be observed in a simple democracy; on the contrary, it is a proof that the more perfect the balance of power, the more exactly both these necessary rules may be observed.

A fifth caution is, "that as by all means they  
 " should beware of ingratitude and unhandsome  
 " returns to such as have done eminent services  
 " for the commonwealth, so it concerns them, for  
 " the public peace and security, not to impose a  
 " trust in the hands of any person or persons,  
 " further than as they may take it back again at  
 " pleasure. The reason is, honores mutant mo-  
 " res. Accessions and continuations of power  
 " expose the mind to temptations; they are sails  
 " too big for any bulk of mortality to steer an  
 " even course by." How is this consistent with  
 Vol. III. K k what



what is said under the head of the second caution? "In the hands of such as have appeared  
 " most eminent and active in the establishment  
 " and love of liberty, the guardianship of liberty  
 " may be safely placed, because such men have  
 " made the public interest and their own all one,  
 " and therefore will never betray nor desert it,  
 " in prosperity or adversity." In short, our author inculcates a confidence and diffidence at the same time that seem irreconcilable. Under this head he is diffident. "The kingdoms of the  
 " world are baits that seldom fail: none but he  
 " that was more than man could have refused  
 " them. How many free states, by trusting their  
 " own servants too far, have been forced to receive them as masters! Immoderate power  
 " lets in high thoughts. The spirit of ambition  
 " is a spirit of giddiness: it foxes men, makes  
 " them drunk, mere fots, non compos mentis,  
 " hurried on without fear or wit. All temptations and opportunities of ambition must be removed, or there will arise a necessity of tumult  
 " and civil dissension; the common consequence  
 " hath ever been a ruin of the public freedom." How is it possible for a man who thinks in this manner to propose his "Right Constitution," where the whole authority being in one representative assembly, the utmost latitude, temptation, and opportunity, is given to private ambition! What has a rich and ambitious man to do, but stand candidate for an election in a town where he has many relations, much property, numerous dependants? There can be no difficulty in getting chosen. When once in, he has a vote in the disposal of every office, the appointment of every judge, and the distribution of all the public money. May not he and others join together to vote  
 for



for such as will vote for them? A man once in, has twice as much power to get in again at the next election, and every day adds accessions, accumulations, and continuations of power to him. "Cæsar, who first took arms upon the public score, and became the people's leader, letting in ambitious thoughts, forsook his friends and principles, and became another man, and turned his arms upon the public liberty." And has not every nation, and city, and assembly, many Cæsars in it? When private men look to the people for public offices and commands, that is, when the people claim the executive power, they will at first be courted, then deceived, and then betrayed. Thus did Sylla serve the senate, and Marius the people; thus every simple government is served: but where the executive appoints, and the legislative pay, it is otherwise; where one branch of a legislative can accuse, and another condemn, where both branches of legislature can accuse before the executive, private commanders must always have a care—they may be disarmed in an instant. Pisistratus, Agathocles, Cosmos, Soderino, Savanarola, Castruccio, and Orange, all quoted by our author, are all examples in point to shew, that simple democracies and unbalanced mixtures can never take a trust back again, when once committed to an ambitious commander. That this caution therefore may be observed, and trust taken back at pleasure when ill managed, or in danger of being so, no government is equal to the tripartite composition.

The ninth rule is, "that it be made an unpardonable crime to incur the guilt of treason against the interest and majesty of the people. It was treason in Brutus's sons to conspire the restoration

Ninth  
Rule.

"restoration of Tarquin." So their father judged it, but it was the interest and majesty of the senate here that was held to be the interest and majesty of the people. The treason of Melius and Manlius too was against the majesty of the senate, and in favour of the majesty of the people. The treason of the Decemviri too was against the senate, and so was that of Cæsar. In Venice too it is treason to think of conspiring with the people against the aristocracy, as much as it was in Rome. It is treason to betray secrets both in Venice and in Rome; the guilty were hanged upon a gibbet, or burnt alive.

No doubt a simple democracy would make it treason to introduce an aristocracy or a monarchy; but how could they punish it, when the man who commits it has the army, the judges, the bishops, and a majority of the assembly and people too at his devotion? How can secrecy in a simple democracy be kept, where the numbers are so great, and where constituents can call to account? or how can it be punished, when betrayed, when so many will betray it; when a member of the majority betrays it, to serve the cause of the majority? "It is treason in Venice for a senator to receive gifts or pensions from a foreign prince or state." But as, according to the heathen proverb, "the Gods themselves may be taken with gifts," how can you prevent them from being taken by the majority in a simple democracy? Thuanus, who says, "the king of France need not use much labour to purchase an interest with any prince or state of Italy, unless it be the Venetian republic, where all foreign pensioners and compliances are punished with the utmost severity, but escape well enough in other places," might have added, that no difficulty would ever be found to purchase

purchase an interest in a simple democracy, or in any other simple uncontrouled assembly. In a simple democracy no great sum would be required to purchase elections for proper instruments, or to purchase the suffrages of some already in their seats. A party pardons many crimes, as well as lesser faults. "It is treason for any Venetian senator to have any private conference with foreign ambassadors and agents; and one article of charge, which took off Barnevelt's head, was, that he held familiarity and converse with the Spanish ambassador in time of war." Although receiving bribes from foreign ambassadors ought to be punished with the utmost severity, and all uncommon familiarity with them avoided as suspicious and dishonourable, such extremes as these of Venice and of Holland, in the case of Barnevelt, may as well be avoided. But in a simple democracy, it will be found next to impossible to prevent foreign powers from making a party, and purchasing an interest: an ambassador will have a right to treat with all the members, as parts of the sovereignty, and therefore may have access to those who are least on their guard, and most easily corrupted. But in a mixed government, where the executive is by itself, the ministers only can be purchased, who, being few, are more easily watched and punished; besides that it is the executive power only that is managed by ministers; and this often cannot be completed but by the concurrence of the legislature. The difficulties of corrupting such a government therefore are much greater, as both the legislative, executive, and judicial power, must be all infected, or there will be danger of detection and punishment.

## L E T T E R VII.

*Grosvenor-Square, Dec. 26, 1787.*

Dear Sir,

**I**T should have been before observed, that the Western empire fell in the fifth century, and the Eastern in the fifteenth.

475. Augustulus was compelled by Odoacer, king of the Heruli, in 475, to abdicate the Western empire, and was the last Roman who possessed the Imperial dignity at Rome. The dominion of Italy fell, soon afterwards, into the hands of Theodoric the Goth. The Eastern empire lasted many centuries afterwards, till it was annihilated by Mahomet the Great, and Constantinople was taken in 1453. The *interval* between the fall of these two empires, making a period of about a thousand years, is called **THE MIDDLE AGE**\*. During this term republics without number arose in Italy; whirled upon their axles or single centres; foamed, raged, and burst, like so many water-spouts upon the ocean. They were all alike ill-constituted; all alike miserable; and all ended in similar disgrace and despotism. It would be curious to pursue our subject through all of them whose records have survived the ravages of Goths, Saracens, and bigotted Christians; through those other republics of Castile, Arragon, Catalonia, Gallicia, and all the others in Spain; through those in Portugal; through the several provinces

\* Barbeyrac's Preface to his History of Ancient Treaties. Corps Dipl. tom. xxii. Harris's Philological Enquiries, part iii. chap. i.

that



that now compose the kingdom of France; through those in Germany, Sweden, Denmark, Holland, England, Scotland, Ireland, &c. But if such a work should be sufficiently encouraged by the public (which is not probable, for mankind in general dare not as yet read or think upon CONSTITUTIONS) it is too extensive for my forces, and ought not to be done in so much haste. The preceding Letters have been produced upon the spur of a particular occasion, which made it necessary to write and publish with precipitation, or it might have been useless to have published at all. The whole has been done in the midst of other occupations, in so much hurry, that scarce a moment could be spared to correct the style, adjust the method, pare off excrescences, or even obliterate repetitions; in all which respects it stands in need of an apology. *You* may pursue the investigation to any length you please. All nations, from the beginning, have been agitated by the same passions. The principles developed in these Letters will go a great way in explaining every phænomenon that occurs in the history of government. The vegetable and animal kingdoms, and those heavenly bodies whose existence and movements we are as yet only permitted faintly to perceive, do not appear to be governed by laws more uniform or certain than those which regulate the moral and political world. Nations move by unalterable rules; and education, discipline, and laws, make the greatest difference in their accomplishments, happiness, and perfection. It is the master artist alone who finishes his building, his picture, or his clock. The present actors on the stage have been too little prepared by their early views, and too much occupied with turbulent scenes, to do more than they have done: impar-

trial justice will confess, that it is astonishing they have been able to do so much. It is for you, and your youthful companions, to make yourselves masters of what your predecessors have been able to comprehend and accomplish but imperfectly. A prospect into futurity in America, is like contemplating the heavens through the telescopes of Herschell: objects, stupendous in their magnitudes and motions, strike us from all quarters, and fill us with amazement! When we recollect, that the wisdom or the folly, the virtue or the vice, the liberty or servitude, of those millions now beheld by us, only as Columbus saw these times in vision\*, are certainly to be influenced, perhaps decided, by the manners, examples, principles, and political institutions of the present generation, that mind must be hardened into stone that is not melted into reverence and awe. With such affecting scenes before his eyes, is there, can there be, a young American indolent and incurious; surrendered up to dissipation and frivolity; vain of imitating the loosest manners of countries, which can never be made much better or much worse? A profligate American youth must be profligate indeed, and richly merits the scorn of all mankind.

The world has been too long abused with notions, that climate and soil decide the characters and political institutions of nations. The laws of Solon, and the despotism of Mahomet, have at different times prevailed at Athens; consuls, emperors, and pontiffs, have ruled at Rome. Can there be desired a stronger proof, that policy and education are able to triumph over every disadvantage of climate? Mankind have been still

\* Barlow's Vision of Columbus,

more injured by insinuations, that a certain celestial virtue, more than human, has been necessary to preserve liberty. Happiness, whether in despotism or democracy, whether in slavery or liberty, can never be found without virtue. The best republics will be virtuous, and have been so; but we may hazard a conjecture, that the virtues have been the effect of the well-ordered constitution, rather than the cause: and perhaps it would be impossible to prove, that a republic cannot exist, even among highwaymen, by setting one rogue to watch another; and the knaves themselves may, in time, be made honest men by the struggle.

It is now in our power to bring this work to a conclusion with unexpected dignity. In the course of the last summer, two authorities have appeared, greater than any that have been before quoted, in which the principles we have attempted to defend have been acknowledged. The first is, an Ordinance of Congress, of the 13th of July 1787, for the Government of the Territory of the United States North-west of the River Ohio; the second is, the Report of the Convention at Philadelphia, of the 17th of September 1787. The former confederation of the United States was formed upon the model and example of all the confederacies, ancient and modern, in which the fœderal council was only a diplomatic body: even the Lycian, which is thought to have been the best, was no more. The magnitude of territory, the population, the wealth and commerce, and especially the rapid growth of the United States, have shewn such a government to be inadequate to their wants; and the new system, which seems admirably calculated to unite their interests and affections, and bring them to an uniformity of principles and sentiments, is equally well combined to  
unite

unite their wills and forces as a single nation. A result of accommodation cannot be supposed to reach the ideas of perfection of any one; but the conception of such an idea, and the deliberate union of so great and various a people in such a plan, is, without all partiality or prejudice, if not the greatest exertion of human understanding, the greatest single effort of national deliberation that the world has ever seen. That it may be improved is not to be doubted, and provision is made for that purpose in the Report itself. A people who could conceive, and can adopt it, we need not fear will be able to amend it, when, by experience, its inconveniences and imperfections shall be seen and felt.



WE the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

## A R T I C L E    I.

*Seet. 1.* **A**LL legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

*Seet. 2.* The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective

spective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New-Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New-York six, New-Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall chuse their Speaker and other officers; and shall have the sole power of impeachment.

*Sec. 3.* The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year;

and

and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the Executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall chuse their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

*Sect. 4.* The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof: but the Congress may at any time by law make or alter such regulations, except as to the places of chusing Senators.

The

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

*Sec. 5.* Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the Yeas and Nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

*Sec. 6.* The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate



debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been encreased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

*Sec. 7.* All bills for raising revenue shall originate in the house of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to re-consider it. If, after such re-consideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be re-considered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by Yeas and Nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the

the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

*Sec. 8.* The Congress shall have power

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post-offices and post-roads:

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries:

To

To constitute tribunals inferior to the supreme court :

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations :

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :

To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years :

To provide and maintain a navy :

To make rules for the government and regulation of the land and naval forces :

To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions :

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress :

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings :

—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this con-

stitution in the government of the United States, or in any department or officer thereof.

*Seet. 9.* The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the *census* or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

*Seet.*



*Seet.* 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and controul of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

*Seet.* 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:—

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress: but no senator or representative,

or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, than the House of Representatives shall immediately chuse by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner chuse the President. But in chusing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall chuse from them by ballot the Vice-President.

The

The Congress may determine the time of chusing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be encreased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—

“I do solemnly swear (or affirm) that I will  
“faithfully execute the office of President of the  
“United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States.”

*Sec. 2.* The President shall be commander in chief of the army and navy of the United States,

and of the militia of the several states, when called into the actual service of the United States: he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next Session.

*Sec. 3.* He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper: he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully execut-



ed, and shall commission all the officers of the United States.

*Seet. 4.* The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### A R T I C L E    I I I.

*Seet. 1.* The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior court, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

*Seet. 2.* The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state

shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

*Seet. 3.* Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

## ARTICLE IV.

*Seet. 1.* Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

*Seet. 2.* The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

*Sec. 3.* New states may be admitted by the Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

*Sec. 4.* The United States shall guarantee to every state in this union a Republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

## ARTICLE

## ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures,



latures, and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

DONE in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our Names.

GEORGE WASHINGTON, President,  
And Deputy from *Virginia*.

*New-Hampshire.* { John Langdon,  
Nicholas Gilman.

*Massachusetts.* { Nathaniel Gorham,  
Rufus King.

*Connecticut.* { William Samuel Johnson,  
Roger Sherman.

*New-York.* Alexander Hamilton.

*New-Jersey.* { William Livingston,  
David Brearly,  
William Paterson,  
Jonathan Dayton.

*Pennsylvania.*

<i>Pennsylvania.</i>	{ Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.
<i>Delaware.</i>	{ George Read, Gunning Bedford, Junior, John Dickinson, Richard Bassett, Jacob Broom.
<i>Maryland.</i>	{ James M'Henry, Daniel of St. Tho. Jenifer, Daniel Carrol.
<i>Virginia.</i>	{ John Blair, James Madison, Junior,
<i>North-Carolina.</i>	{ William Blount, Richard Dobbs Spaight, Hugh Williamson.
<i>South-Carolina.</i>	{ John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.
<i>Georgia.</i>	{ William Few, Abraham Baldwin.

Attest. WILLIAM JACKSON, *Secretary.*

I N C O N V E N T I O N,

MONDAY, *September, 17, 1787.*

P R E S E N T,

The States of New-Hampshire, Masschusetts,  
Connecticut, Mr. *Hamilton* from New-York,  
New-

New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia :

# RESOLVED,

*THAT the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each state by the people thereof, under the recommendation of its legislature, for their assent and ratification; and that each Convention assenting to, and ratifying the same, should give notice thereof to the United States in Congress assembled.*

Resolved, That it is the opinion of this Convention, that as soon as the Conventions of nine states shall have ratified this constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the states which shall have ratified the same, and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this constitution. That after such publication the electors should be appointed, and the senators and representatives elected: That the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the constitution requires, to the secretary of the United States in Congress assembled, that the senators and representatives should convene at the time and place assigned; that the senators should appoint a president of the senate, for the sole purpose of receiving, opening, and counting the votes for President; and, that after he shall be chosen, the Congress, together with the president,

*sident, should, without delay, proceed to execute this constitution.*

By the unanimous Order of the Convention,

GEORGE WASHINGTON, *President.*

William Jackson, *Secretary.*

---

In CONVENTION, September 17, 1787.

S I R,

**W**E have now the honour to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired, that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the general government of the Union: but the impropriety of delegating such extensive trust to one body of men is evident—Hence results the necessity of a different organization.

It is obviously impracticable in the federal government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all—Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several  
States



*States as to their situation, extent, habits, and particular interests.*

*In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our mind, led each State in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.*

*That it will meet the full and entire approbation of every State is not perhaps to be expected; but each will doubtless consider, that had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.*

*With great respect,*

*We have the honor to be*

*S I R,*

*Your Excellency's most*

*Obedient and humble servants,*

GEORGE WASHINGTON, *President.*

*By unanimous Order of the Convention,*

HIS EXCELLENCY

The President of Congress.

UNITED

UNITED STATES IN CONGRESS  
ASSEMBLED.

*Friday, September 28, 1787.*

PRESENT, New-Hampshire, Massachusetts,  
Connecticut, New-York, New-Jersey, Pennsylv-  
ania, Delaware, Virginia, North-Carolina,  
South-Carolina, and Georgia, and from Mary-  
land *Mr. Ross.*

CONGRESS having received the Report of  
the Convention lately assembled in Philadelphia,

*Resolved, unanimously,* That the said Report, with  
the Resolutions and Letter accompanying the same,  
be transmitted to the several Legislatures, in order  
to be submitted to a Convention of Delegates cho-  
sen in each State by the people thereof, in confor-  
mity to the Resolves of the Convention made and  
provided in that Case.

CHA. THOMSON, *Secy.*

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